

HOUSE BILL No. 1341

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3; IC 5; IC 6; IC 12; IC 15; IC 16; IC 23; IC 32; IC 33; IC 34; IC 36.

Synopsis: Eliminating Marion County townships. Abolishes in Marion County, effective January 1, 2011, the offices of township trustee and township board, and transfers all other township duties and responsibilities, including township assistance, cemetery maintenance, weed control, and parks and recreation, to the county. Requires the mayor of the consolidated city to appoint a coordinator of social services to: (1) estimate the amount necessary to meet the cost of township assistance in the county for taxes first due and payable after 2010; and (2) administer township assistance on a countywide basis. Requires the department of workforce development, the county office of the division of family resources, and any other state and local government agency to cooperate with the coordinator in providing assistance. Provides that a transfer of duties between the townships and the county results in the transfer of property, equipment, records, rights, contracts (including labor contracts), and indebtedness. Establishes maximum property tax levies for the county payable in 2011 that reflect the transfer of all township responsibilities to the county. Provides that, after 2010, the monthly distributive shares of county option income taxes that would be distributed to a township for which township government is abolished shall instead be distributed as additional distributive shares to Indianapolis/Marion County. Replaces the nine Marion County township small claims courts with five Marion County small claims courts on January 1, 2011. Abolishes the office of township small claims court constable on January 1, 2011. Requires the mayor of Indianapolis to appoint the five judges of the Marion County small claims courts for six year terms. Provides that, at the general
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Effective: July 1, 2009; January 1, 2011.

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January 13, 2009, read first time and referred to Committee on Government and Regulatory Reform.



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election in November 2011, voters of the included towns may vote on a public question regarding whether their included town should be abolished and the duties and powers of the town transferred to the consolidated city. Provides that on January 1, 2011, the fire departments of each township in Marion County are consolidated into the Indianapolis Fire Department. Provides that a firefighter who is a member of the 1937 or 1977 fund remains a member of the same fund after the consolidation. Provides that a fire consolidation transition advisory group is established in the county having a consolidated city. Requires the advisory group to do the following: (1) Develop a strategic plan to determine resource requirements and resource deployments for the consolidated fire department. (2) Submit recommendations to the executive of the consolidated city and the city-county council regarding the consolidation of fire departments. (3) Take steps as necessary to assist the consolidation of fire departments. Requires the executive of the consolidated city to update the strategic plan at least once every three years. Specifies that after December 31, 2010, the consolidated fire department shall be designated as the metropolitan fire department. Provides that the employees of a fire department that is consolidated into the fire department of the consolidated city cease employment with the township fire department and, subject to approval of the executive of the consolidated city, become employees of the consolidated fire department on January 1, 2011. Provides that a transfer of duties between units of government results in the transfer of property, equipment, records, rights, contracts (including labor contracts), and indebtedness. Provides that in the case of a township that consolidates its fire department, any amounts transferred by the township from the township's rainy day fund to the consolidated city shall be used by the consolidated city as follows: (1) The consolidated city shall first use the transferred money to pay any outstanding indebtedness of the township from which the money was transferred. (2) The remaining part of the transferred money shall be used to pay the outstanding indebtedness of other townships that consolidate fire departments. (3) If money remains after carrying out these purposes, the remaining part of the transferred money shall be used as specified by ordinance of the legislative body of the consolidated city. Exempts from the property tax levy limits any amounts imposed by the consolidated city or the county to fund former township indebtedness. Provides that the maximum levy of a consolidated city for property taxes first due and payable in 2011 is the sum of: (1) the maximum levy of the consolidated city for property taxes first due and payable in 2011; plus (2) the amount equal to the combined property tax levies for property taxes first due and payable in 2010 for fire protection and related services for each entity that consolidates its fire department. Specifies that: (1) the maximum property tax rate imposed for fire protection and related services in a consolidating entity for property taxes payable in 2011 and 2012 may not exceed (but may be less than) the property tax rate imposed for fire protection and related services in the consolidating entity for property taxes payable in 2010; and (2) the property tax rate imposed for fire protection and related services by the consolidated city in 2013 and thereafter shall be a uniform rate. Provides for adjustments in maximum levies to account for the transfer of other township duties. Provides that a township located in a county containing a consolidated city may not after July 1, 2009, transfer or expend from the township's rainy day fund more than 1% of the balance in that rainy day fund (as of July 1, 2009) in any 12 month period without approval of the fiscal body of the county containing the consolidated city. Specifies that the balance in the cumulative building and equipment fund for fire

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protection and related services of each entity whose fire department is consolidated into the fire department of the consolidated city is transferred to the consolidated city's cumulative building and equipment fund for fire protection and related services. Specifies that after December 31, 2009, a county containing a consolidated city may establish a cumulative firefighting building and equipment fund and may impose a property tax levy for the fund beginning with property taxes first due and payable after December 31, 2010. Provides that a township assistance transition advisory group is established in Marion County. Specifies that the advisory group consists of the mayor (or the mayor's designee), who shall chair the advisory group, and the trustee of each of the townships in the county. Requires the advisory group to: (1) submit recommendations concerning the transition of responsibility for township assistance; and (2) take steps as necessary to assist the transition. Specifies that if the assessed valuation of a public library is entirely contained within a city or town, the public library shall submit its proposed budget and levy to the city or town fiscal body (rather than to the county council) for review and approval. Specifies that if the assessed valuation of a taxing unit with an unelected governing body is entirely contained within an excluded city or town in Marion County, the governing body of the taxing unit shall submit its proposed operating and maintenance budget and tax levies to the city or town fiscal body (rather than to the city-county legislative body) for approval. Makes conforming amendments. Repeals provisions concerning the nine Marion County township small claims courts.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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HOUSE BILL No. 1341

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-5-2-40 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2009]: Sec. 40. "Precinct" means a **geographic**
3 subdivision of a county. ~~or township established for election purposes.~~
4 SECTION 2. IC 3-8-2-5 IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2009]: Sec. 5. A declaration of candidacy for:
6 (1) a federal office;
7 (2) a state office;
8 (3) a legislative office; or
9 (4) the local office of:
10 (A) judge of a circuit, superior, probate, ~~or~~ county ~~or small~~
11 ~~claims~~ court; or
12 (B) prosecuting attorney of a judicial circuit;
13 shall be filed with the secretary of state.
14 SECTION 3. IC 3-10-1-19, AS AMENDED BY P.L.146-2008,
15 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JANUARY 1, 2011]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

OFFICIAL PRIMARY BALLOT

_____ Party

For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column. For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

☐ (1) AB _____

☐ (2) CD _____

☐ (3) EF _____

☐ (4) GH _____

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.

(E) Prosecuting attorney.

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- 1 (F) Circuit court clerk.
 2 (4) County offices:
 3 (A) County auditor.
 4 (B) County recorder.
 5 (C) County treasurer.
 6 (D) County sheriff.
 7 (E) County coroner.
 8 (F) County surveyor.
 9 (G) County assessor.
 10 (H) County commissioner.
 11 (I) County council member.
 12 ~~(5) Township offices:~~
 13 ~~(A) Township assessor (only in a township referred to in~~
 14 ~~IC 36-6-5-1(d)).~~
 15 ~~(B) Township trustee.~~
 16 ~~(C) Township board member.~~
 17 ~~(D) Judge of the small claims court.~~
 18 ~~(E) Constable of the small claims court.~~
 19 ~~(6) (5) City offices:~~
 20 (A) Mayor.
 21 (B) Clerk or clerk-treasurer.
 22 (C) Judge of the city court.
 23 (D) City-county council member or common council member.
 24 ~~(7) (6) Town offices:~~
 25 (A) Clerk-treasurer.
 26 (B) Judge of the town court.
 27 (C) Town council member.
 28 **(c) This subsection applies only to a county not having a**
 29 **consolidated city. The following offices shall be placed on the**
 30 **primary election ballot in the following order after the offices**
 31 **described in subsection (b):**
 32 **(1) Township assessor (if any).**
 33 **(2) Township trustee.**
 34 **(3) Township board member.**
 35 ~~(d)~~ **(d)** The political party offices with candidates for election shall
 36 be placed on the primary election ballot in the following order after the
 37 offices described in subsection (b):
 38 (1) Precinct committeeman.
 39 (2) State convention delegate.
 40 ~~(d)~~ **(e)** The following offices and public questions shall be placed on
 41 the primary election ballot in the following order after the offices
 42 described in subsection ~~(c)~~: **(d)**:

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(1) School board offices to be elected at the primary election.

(2) Other local offices to be elected at the primary election.

(3) Local public questions.

~~(c)~~ **(f)** The offices and public questions described in subsection ~~(d)~~ **(e)** shall be placed:

(1) in a separate column on the ballot if voting is by paper ballot;

(2) after the offices described in subsection ~~(c)~~ **(d)** in the form specified in IC 3-11-13-11 if voting is by ballot card; or

(3) either:

(A) on a separate screen for each office or public question; or

(B) after the offices described in subsection ~~(c)~~ **(d)** in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

~~(f)~~ **(g)** A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,
if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 4. IC 3-10-1-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 29. The canvass of votes cast in a primary election shall, as far as applicable, be made in the same manner and by the same officers as the canvass at a general election. The tally sheet upon which the count has been entered shall be included in the returns of the election. Each precinct election board shall, on blanks provided for that purpose, make full and accurate returns of the votes cast for each candidate and on each public question unless votes were cast on a ballot card voting system that is not designed to allow the counting and tabulation of votes by the precinct election board. The board shall set forth in the return, opposite the name of each candidate and public question, the number of votes cast for the candidate and for or against each public question. The tabular statement must contain the following information, with the names of candidates and public questions arranged in the order in which they appear upon the official ballot:

(1) The name of the precinct.

~~(2) The name of the township (or ward):~~

~~(3) (2)~~ The name of the county.

~~(4) (3)~~ The name of the party of the candidates for Representative in Congress.

SECTION 5. IC 3-10-2-13, AS AMENDED BY P.L.146-2008,

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SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. **(a)** The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

- (1) Clerk of the circuit court.
- (2) County auditor.
- (3) County recorder.
- (4) County treasurer.
- (5) County sheriff.
- (6) County coroner.
- (7) County surveyor.
- (8) County assessor.
- (9) County commissioner.
- (10) County council member.
- ~~(11) Township trustee.~~
- ~~(12) Township board member.~~
- ~~(13) Township assessor (only in a township referred to in IC 36-6-5-1(d)).~~
- ~~(14) Judge of a small claims court.~~
- ~~(15) Constable of a small claims court.~~

(b) This subsection applies after December 31, 2010, only to a county not having a consolidated city. The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

- (1) Township assessor (if any).**
- (2) Township trustee.**
- (3) Township board member.**

SECTION 6. IC 3-11-1.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. A county executive shall establish precincts so that each boundary of each precinct does not cross the boundary of:

- (1) the state;
- (2) a county;
- ~~(3) a township;~~
- ~~(4)~~ **(3)** a district of the House of Representatives of the Congress of the United States;
- ~~(5)~~ **(4)** a district of the senate of the general assembly; or
- ~~(6)~~ **(5)** a district of the house of representatives of the general assembly.

SECTION 7. IC 3-11-2-12, AS AMENDED BY P.L.146-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. **(a)** The following offices shall be placed on

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the general election ballot in the following order:

(1) Federal and state offices:

- (A) President and Vice President of the United States.
- (B) United States Senator.
- (C) Governor and lieutenant governor.
- (D) Secretary of state.
- (E) Auditor of state.
- (F) Treasurer of state.
- (G) Attorney general.
- (H) Superintendent of public instruction.
- (I) United States Representative.

(2) Legislative offices:

- (A) State senator.
- (B) State representative.

(3) Circuit offices and county judicial offices:

- (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
- (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
- (C) Judge of the probate court.
- (D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.
- (E) Prosecuting attorney.
- (F) Clerk of the circuit court.

(4) County offices:

- (A) County auditor.
- (B) County recorder.
- (C) County treasurer.
- (D) County sheriff.
- (E) County coroner.
- (F) County surveyor.
- (G) County assessor.
- (H) County commissioner.
- (I) County council member.

~~(5) Township offices:~~

- ~~(A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).~~
- ~~(B) Township trustee.~~
- ~~(C) Township board member.~~
- ~~(D) Judge of the small claims court.~~

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~~(E) Constable of the small claims court.~~

~~(6)~~ (5) City offices:

(A) Mayor.

(B) Clerk or clerk-treasurer.

(C) Judge of the city court.

(D) City-county council member or common council member.

~~(7)~~ (6) Town offices:

(A) Clerk-treasurer.

(B) Judge of the town court.

(C) Town council member.

(b) This subsection applies only to a county not having a consolidated city. The following offices shall be placed on the general election ballot in the following order after the offices described in subsection (a):

(1) Township assessor (if any).

(2) Township trustee.

(3) Township board member.

SECTION 8. IC 3-11-8-3, AS AMENDED BY P.L.230-2005, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. (a) Before each election each county executive shall secure for each precinct of the county an accessible facility in which to hold the election.

(b) If an accessible facility is not available within the precinct, then the polls may be located in another precinct in the county if the polls are:

(1) ~~either:~~

~~(A) not more than five (5) miles from the closest boundary of the precinct for which it is the polls; or~~

~~(B) located in the same township as the precinct that does not have an accessible facility available; and~~

(2) located in an accessible facility.

(c) If the county election board, by a unanimous vote of its entire membership, determines that an accessible facility is not available under subsection (b), the board may locate the polls in the most convenient available accessible facility in the county.

(d) If the county election board, by unanimous vote of its entire membership, determines that:

(1) an accessible facility is not available under subsection (b) or (c); and

(2) the most convenient accessible facility is located in an adjoining county;

the board may locate the polls in the facility described in subdivision

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(2) with the unanimous consent of the entire membership of the county election board of the county in which the facility is located.

SECTION 9. IC 3-13-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. (a) A county chairman filling a candidate vacancy under section 6(a)(2) of this chapter or the chairman of a meeting filling a candidate vacancy under this chapter shall file a written certificate of candidate selection on a form prescribed by the commission stating the following information for each candidate selected:

(1) The name of each candidate as:

(A) the candidate wants the candidate's name to appear on the ballot; and

(B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

(2) The residence address of each candidate.

(b) The certificate shall be filed with:

(1) the election division for:

(A) a committee acting under section 3, 4, 5, or 6(b) of this chapter; or

(B) a committee acting under section 6(a) of this chapter to fill a candidate vacancy in the office of judge of a circuit, superior, probate, ~~or county or small claims~~ court or prosecuting attorney; or

(2) the circuit court clerk, for a committee acting under section 6(a) of this chapter to fill a candidate vacancy for a local office not described in subdivision (1).

(c) This subsection applies to a candidate vacancy resulting from a vacancy on the primary election ballot as described in section 2 of this chapter. The certificate required by subsection (a) shall be filed not later than noon July 3 before election day.

(d) This subsection applies to all candidate vacancies not described by subsection (c). The certificate required by subsection (a) shall be filed not more than three (3) days (excluding Saturdays and Sundays) after selection of the candidates.

SECTION 10. IC 3-13-2-8, AS AMENDED BY P.L.2-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The chairman or chairmen filling a candidate vacancy under this chapter shall immediately file a written certificate of candidate selection on a form prescribed by the commission stating the following information for each candidate selected:

(1) The name of each candidate as:

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- 1 (A) the candidate wants the candidate's name to appear on the
 2 ballot; and
 3 (B) the candidate's name is permitted to appear on the ballot
 4 under IC 3-5-7.
- 5 (2) The residence address of each candidate.
- 6 (b) The certificate shall be filed with:
- 7 (1) the election division for:
- 8 (A) one (1) or more chairmen acting under section 2, 3, 4, or
 9 5(b) of this chapter; or
 10 (B) a committee acting under section 5(b) of this chapter to fill
 11 a candidate vacancy for the office of judge of a circuit,
 12 superior, probate, **or** county **or** ~~small claims~~ court or
 13 prosecuting attorney; or
- 14 (2) the circuit court clerk of the county in which the greatest
 15 percentage of the population of the election district is located, for
 16 a chairman acting under section 5(a) of this chapter to fill a
 17 candidate vacancy for a local office not described in subdivision
 18 (1).
- 19 (c) The certificate required by subsection (a) shall be filed not more
 20 than three (3) days (excluding Saturdays and Sundays) after selection
 21 of the candidate.
- 22 SECTION 11. IC 3-13-10-1 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. **(a) After December**
 24 **31, 2010, this chapter applies only to a county not having a**
 25 **consolidated city.**
- 26 **(b)** A vacancy in a township office that was last held by a person
 27 elected or selected as a candidate of a major political party of the state
 28 shall be filled by a caucus under IC 3-13-11.
- 29 SECTION 12. IC 5-4-1-4 IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) As used in this section,
 31 "political subdivision" has the meaning set forth in IC 36-1-2-13.
- 32 (b) The copy of the oath under section 2 of this chapter shall be
 33 deposited by the person as follows:
- 34 (1) Of all officers whose oath is endorsed on or attached to the
 35 commission and whose duties are not limited to a particular
 36 county or of a justice, judge, or prosecuting attorney, in the office
 37 of the secretary of state.
- 38 (2) Of the circuit court clerk **and** officers of a political
 39 subdivision or school corporation, **and constables of a small**
 40 **claims court**, in the circuit court clerk's office of the county
 41 containing the greatest percentage of the population of the
 42 political subdivision or school corporation.

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(3) Of a deputy prosecuting attorney, in the office of the clerk of the circuit court of the county in which the deputy prosecuting attorney resides or serves.

SECTION 13. IC 5-8-3.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) An officer who wants to resign shall give written notice of the officer's resignation as follows:

(1) The governor and lieutenant governor shall notify the principal clerk of the house of representatives and the principal secretary of the senate to act in accordance with Article 5, Section 10 of the Constitution of the State of Indiana. The clerk and the secretary shall file a copy of the notice with the office of the secretary of state.

(2) A member of the general assembly shall notify the following, whichever applies:

(A) A member of the senate shall notify the president pro tempore of the senate.

(B) A member of the house of representatives shall notify the speaker of the house of representatives.

(3) The following officers commissioned by the governor under IC 4-3-1-5 shall notify the governor:

(A) An elector or alternate elector for President and Vice President of the United States.

(B) The secretary of state, auditor of state, treasurer of state, superintendent of public instruction, or attorney general.

(C) An officer elected by the general assembly, the senate, or the house of representatives.

(D) A justice of the Indiana supreme court, judge of the Indiana court of appeals, or judge of the Indiana tax court.

(E) A judge of a circuit, city, county, probate, superior, town, or ~~township~~ small claims court.

(F) A prosecuting attorney.

(G) A circuit court clerk.

(H) A county auditor, county recorder, county treasurer, county sheriff, county coroner, or county surveyor.

(4) An officer of a political subdivision (as defined by IC 36-1-2-13) other than an officer listed in subdivision (3) shall notify the circuit court clerk of the county containing the largest percentage of population of the political subdivision.

(5) An officer not listed in subdivisions (1) through (4) shall notify the person or entity from whom the officer received the officer's appointment.

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(b) A person or an entity that receives notice of a resignation and does not have the power to fill the vacancy created by the resignation shall, not later than seventy-two (72) hours after receipt of the notice of resignation, give notice of the vacancy to the person or entity that has the power to:

(1) fill the vacancy; or

(2) call a caucus for the purpose of filling the vacancy.

SECTION 14. IC 6-1.1-5-9, AS AMENDED BY P.L.146-2008, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. In a county containing a consolidated city,

~~(1) the township assessor has the duties and authority described in sections 1 through 8 of this chapter; and~~

~~(2) the county assessor has the duties and authority described in sections 1 through 8 of this chapter. for a township for which there is no township assessor.~~

These duties and authority include effecting the transfer of title to real property and preparing, maintaining, approving, correcting, indexing, and publishing the list or record of, or description of title to, real property. If a court renders a judgment for the partition or transfer of real property located in a county containing a consolidated city, the clerk of the court shall deliver the transcript to the county assessor.

SECTION 15. IC 6-1.1-5.5-12, AS AMENDED BY P.L.144-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) A party to a conveyance who:

(1) either:

(A) files a sales disclosure form that does not contain all of the information required by this chapter; or

(B) files a sales disclosure form that contains inaccurate information;

and receives from ~~the township assessor (in a county containing a consolidated city)~~ or the county assessor ~~(in any other county)~~ written notice of the problems described in clause (A) or (B); and

(2) fails to file a correct sales disclosure form that fully complies with all requirements of this chapter within thirty (30) days after the date of the notice under subdivision (1);

is subject to a penalty in the amount determined under subsection (b).

(b) The amount of the penalty under subsection (a) is the greater of:

(1) one hundred dollars (\$100); or

(2) twenty-five thousandths percent (0.025%) of the sale price of the real property transferred under the conveyance document.

(c) ~~The township assessor in a county containing a consolidated city, or the county assessor in any other county,~~ shall:

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- (1) determine the penalty imposed under this section;
- (2) assess the penalty to the party to a conveyance; and
- (3) notify the party to the conveyance that the penalty is payable not later than thirty (30) days after notice of the assessment.

(d) The county auditor shall:

- (1) collect the penalty imposed under this section;
- (2) deposit penalty collections as required under section 4 of this chapter; and
- (3) notify the county prosecuting attorney of delinquent payments.

(e) The county prosecuting attorney shall initiate an action to recover a delinquent penalty under this section. In a successful action against a person for a delinquent penalty, the court shall award the county prosecuting attorney reasonable attorney's fees.

SECTION 16. IC 6-1.1-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The exemption application referred to in section 3 of this chapter is not required if the exempt property is owned by the United States, the state, an agency of this state, or a political subdivision (as defined in IC 36-1-2-13). However, this subsection applies only when the property is used, and in the case of real property occupied, by the owner.

(b) The exemption application referred to in section 3 of this chapter is not required if the exempt property is a cemetery:

- (1) described by IC 6-1.1-2-7; or
- (2) maintained by a township executive **or the county official (after December 31, 2010)** under IC 23-14-68.

(c) The exemption application referred to in section 3 of this chapter is not required if the exempt property is owned by the bureau of motor vehicles commission established under IC 9-15-1.

(d) The exemption application referred to in section 3 of this chapter is not required if:

- (1) the exempt property is:
 - (A) tangible property used for religious purposes described in IC 6-1.1-10-21; or
 - (B) tangible property owned by a church or religious society used for educational purposes described in IC 6-1.1-10-16; and
- (2) the exemption application referred to in section 3 of this chapter was filed properly at least once after the property was designated for a religious use as described in IC 6-1.1-10-21 or an educational use as described in IC 6-1.1-10-16.

However, if title to any of the real property subject to the exemption changes or any of the tangible property subject to the exemption is used for a nonexempt purpose after the date of the last properly filed

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1 exemption application, this subsection does not apply.

2 SECTION 17. IC 6-1.1-17-3, AS AMENDED BY P.L.146-2008,
3 SECTION 147, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The proper officers of a
5 political subdivision shall formulate its estimated budget and its
6 proposed tax rate and tax levy on the form prescribed by the
7 department of local government finance and approved by the state
8 board of accounts. The political subdivision shall give notice by
9 publication to taxpayers of:

- 10 (1) the estimated budget;
- 11 (2) the estimated maximum permissible levy;
- 12 (3) the current and proposed tax levies of each fund; and
- 13 (4) the amounts of excessive levy appeals to be requested.

14 In the notice, the political subdivision shall also state the time and
15 place at which a public hearing will be held on these items. The notice
16 shall be published twice in accordance with IC 5-3-1 with the first
17 publication at least ten (10) days before the date fixed for the public
18 hearing. Beginning in 2009, the duties required by this subsection must
19 be completed before August 10 of the calendar year. A political
20 subdivision shall provide the estimated budget and levy information
21 required for the notice under subsection (b) to the county auditor on the
22 schedule determined by the department of local government finance.

23 (b) Beginning in 2010, before October 1 of a calendar year, the
24 county auditor shall mail to the last known address of each person
25 liable for any property taxes, as shown on the tax duplicate, or to the
26 last known address of the most recent owner shown in the transfer
27 book, a statement that includes:

- 28 (1) the assessed valuation as of the assessment date in the current
29 calendar year of tangible property on which the person will be
30 liable for property taxes first due and payable in the immediately
31 succeeding calendar year and notice to the person of the
32 opportunity to appeal the assessed valuation under
33 IC 6-1.1-15-1(c) (before July 1, 2008) or IC 6-1.1-15-1 (after June
34 30, 2008);
- 35 (2) the amount of property taxes for which the person will be
36 liable to each political subdivision on the tangible property for
37 taxes first due and payable in the immediately succeeding
38 calendar year, taking into account all factors that affect that
39 liability, including:
 - 40 (A) the estimated budget and proposed tax rate and tax levy
41 formulated by the political subdivision under subsection (a);
 - 42 (B) any deductions or exemptions that apply to the assessed

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1 valuation of the tangible property;
 2 (C) any credits that apply in the determination of the tax
 3 liability; and
 4 (D) the county auditor's best estimate of the effects on the tax
 5 liability that might result from actions of:
 6 (i) the county board of tax adjustment; or
 7 (ii) the department of local government finance;
 8 (3) a prominently displayed notation that:
 9 (A) the estimate under subdivision (2) is based on the best
 10 information available at the time the statement is mailed; and
 11 (B) based on various factors, including potential actions by:
 12 (i) the county board of tax adjustment; or
 13 (ii) the department of local government finance;
 14 it is possible that the tax liability as finally determined will
 15 differ substantially from the estimate;
 16 (4) comparative information showing the amount of property
 17 taxes for which the person is liable to each political subdivision
 18 on the tangible property for taxes first due and payable in the
 19 current year; and
 20 (5) the date, time, and place at which the political subdivision will
 21 hold a public hearing on the political subdivision's estimated
 22 budget and proposed tax rate and tax levy as required under
 23 subsection (a).
 24 (c) The department of local government finance shall:
 25 (1) prescribe a form for; and
 26 (2) provide assistance to county auditors in preparing;
 27 statements under subsection (b). Mailing the statement described in
 28 subsection (b) to a mortgagee maintaining an escrow account for a
 29 person who is liable for any property taxes shall not be construed as
 30 compliance with subsection (b).
 31 (d) The board of directors of a solid waste management district
 32 established under IC 13-21 or IC 13-9.5-2 (before its repeal) may
 33 conduct the public hearing required under subsection (a):
 34 (1) in any county of the solid waste management district; and
 35 (2) in accordance with the annual notice of meetings published
 36 under IC 13-21-5-2.
 37 (e) The trustee of each township in the county shall estimate the
 38 amount necessary to meet the cost of township assistance in the
 39 township for the ensuing calendar year. The township board shall adopt
 40 with the township budget a tax rate sufficient to meet the estimated cost
 41 of township assistance. The taxes collected as a result of the tax rate
 42 adopted under this subsection are credited to the township assistance

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fund.

(f) This subsection applies for taxes first due and payable after 2010 only to a county having a consolidated city. As set forth in IC 36-2-2-14.5:

(1) the coordinator of social services for the county shall estimate the amount necessary to meet the cost of township assistance in the county for the ensuing calendar year; and

(2) the county legislative body shall adopt with the county budget a tax rate uniform throughout the county sufficient to meet the estimated cost of township assistance.

The taxes collected as a result of the tax rate adopted under this subsection are credited to the county township assistance fund established under IC 12-20-1-6.

(f)(g) This subsection expires January 1, 2009. A county shall adopt with the county budget and the department of local government finance shall certify under section 16 of this chapter a tax rate sufficient to raise the levy necessary to pay the following:

(1) The cost of child services (as defined in IC 12-19-7-1) of the county payable from the family and children's fund.

(2) The cost of children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1) of the county payable from the children's psychiatric residential treatment services fund.

A budget, tax rate, or tax levy adopted by a county fiscal body or approved or modified by a county board of tax adjustment that is less than the levy necessary to pay the costs described in subdivision (1) or (2) shall not be treated as a final budget, tax rate, or tax levy under section 11 of this chapter.

SECTION 18. IC 6-1.1-17-20, AS AMENDED BY P.L.146-2008, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 20. (a) This section applies:

(1) to each governing body of a taxing unit that is not comprised of a majority of officials who are elected to serve on the governing body; and

(2) if the percentage increase in the proposed budget for the taxing unit for the ensuing calendar year is more than the result of:

(A) the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the ensuing calendar year; minus

(B) one (1).

(b) As used in this section, "taxing unit" has the meaning set forth in IC 6-1.1-1-21, except that the term does not include:

(1) a school corporation; or

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(2) an entity whose tax levies are subject to review and modification by a city-county legislative body under IC 36-3-6-9.

(c) ~~This subsection does not apply to a public library.~~ If:

(1) the assessed valuation of a taxing unit is entirely contained within a city or town; or

(2) the assessed valuation of a taxing unit is not entirely contained within a city or town but the taxing unit was originally established by the city or town;

the governing body shall submit its proposed budget and property tax levy to the city or town fiscal body. The proposed budget and levy shall be submitted at least fourteen (14) days before the city or town fiscal body is required to hold budget approval hearings under this chapter.

(d) If subsection (c) does not apply, the governing body of the taxing unit shall submit its proposed budget and property tax levy to the county fiscal body in the county where the taxing unit has the most assessed valuation. The proposed budget and levy shall be submitted at least fourteen (14) days before the county fiscal body is required to hold budget approval hearings under this chapter.

(e) The fiscal body of the city, town, or county (whichever applies) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the taxing unit. The fiscal body may reduce or modify but not increase the proposed budget or tax levy.

SECTION 19. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 22. (a) The ad valorem property tax levy limits imposed by this chapter do not apply to ad valorem property taxes imposed by a consolidated city to pay or fund any indebtedness assumed, defeased, paid, or refunded under IC 36-3-1-6.4.**

(b) As used in this section:

(1) "consolidating entity" means:

(A) a township; or

(B) a fire protection territory;

whose fire department is consolidated on January 1, 2011, into the fire department of a consolidated city under IC 36-3-1-6.4; and

(2) "maximum levy" means the maximum permissible ad valorem property tax levy under section 3 of this chapter.

(c) The maximum levy of a consolidated city for property taxes first due and payable in 2011 is the sum of:

(1) the maximum levy of the consolidated city for property taxes first due and payable in 2011, as determined without

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regard to this section; plus

(2) the amount equal to the combined property tax levies of each consolidating entity for property taxes first due and payable in 2010 for fire protection and related services.

(d) The maximum levy of property taxes first due and payable in 2011 is reduced for each consolidating entity by the amount equal to the property tax levy of the consolidating entity for taxes first due and payable in 2010 for any services and operations for which responsibility is transferred to the consolidated city in 2011.

(e) For purposes of determining the maximum levy of property taxes first due and payable in 2012 for an entity for which the maximum levy is determined under this section, the maximum levy to be used in:

(1) STEP ONE of section 3(a) of this chapter; or

(2) STEP ONE of section 3(b) of this chapter;

is the maximum levy determined under this section for the entity for property taxes first due and payable in 2011.

(f) Notwithstanding any other law:

(1) the maximum property tax rate imposed for fire protection and related services in a consolidating entity for property taxes payable in 2011 and 2012 may not exceed (but may be less than) the property tax rate imposed for fire protection and related services in the consolidating entity for property taxes payable in 2010; and

(2) the property tax rate imposed for fire protection and related services by the consolidated city in 2013 and thereafter must be a uniform rate.

SECTION 20. IC 6-3.5-6-18.5, AS AMENDED BY P.L.146-2008, SECTION 339, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18.5. (a) This section applies to a county containing a consolidated city.

(b) Notwithstanding section 18(e) of this chapter, the distributive shares that each civil taxing unit in a county containing a consolidated city is entitled to receive during a month equals the following:

(1) For the calendar year beginning January 1, 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month multiplied by the following factor:

Center Township	.0251
Decatur Township	.00217
Franklin Township	.0023
Lawrence Township	.01177
Perry Township	.01130

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1	Pike Township	.01865
2	Warren Township	.01359
3	Washington Township	.01346
4	Wayne Township	.01307
5	Lawrence-City	.00858
6	Beech Grove	.00845
7	Southport	.00025
8	Speedway	.00722
9	Indianapolis/Marion County	.86409
10	(2) Notwithstanding subdivision (1), for the calendar year	
11	beginning January 1, 1995, the distributive shares for each civil	
12	taxing unit in a county containing a consolidated city shall be not	
13	less than the following:	
14	Center Township	\$1,898,145
15	Decatur Township	\$164,103
16	Franklin Township	\$173,934
17	Lawrence Township	\$890,086
18	Perry Township	\$854,544
19	Pike Township	\$1,410,375
20	Warren Township	\$1,027,721
21	Washington Township	\$1,017,890
22	Wayne Township	\$988,397
23	Lawrence-City	\$648,848
24	Beech Grove	\$639,017
25	Southport	\$18,906
26	Speedway	\$546,000
27	(3) For each year after 1995, calculate the total amount of	
28	revenues that are to be distributed as distributive shares during	
29	that month as follows:	
30	STEP ONE: Determine the total amount of revenues that were	
31	distributed as distributive shares during that month in calendar	
32	year 1995.	
33	STEP TWO: Determine the total amount of revenue that the	
34	department has certified as distributive shares for that month	
35	under section 17 of this chapter for the calendar year.	
36	STEP THREE: Subtract the STEP ONE result from the STEP	
37	TWO result.	
38	STEP FOUR: If the STEP THREE result is less than or equal	
39	to zero (0), multiply the STEP TWO result by the ratio	
40	established under subdivision (1).	
41	STEP FIVE: Determine the ratio of:	
42	(A) the maximum permissible property tax levy under	

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IC 6-1.1-18.5 for each civil taxing unit for the calendar year in which the month falls, plus, for a county, the welfare allocation amount; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 for all civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the welfare allocation amount.

STEP SIX: If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be distributed by multiplying the STEP ONE amount by the ratio established under subdivision (1).

STEP SEVEN: For each taxing unit determine the STEP FIVE ratio multiplied by the STEP TWO amount.

STEP EIGHT: For each civil taxing unit determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the ratio established under subdivision (1). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5 for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the welfare allocation amount; divided by
(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 for all qualifying civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the welfare allocation amount.

(c) The welfare allocation amount is an amount equal to the sum of the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund and the property taxes imposed by the county in 2008 for the county's county medical assistance to wards fund, family and children's fund, children's psychiatric residential treatment services fund, county hospital care for the indigent fund, children with special health care needs county fund, plus, in the case of Marion County, thirty-five million dollars (\$35,000,000).

(d) After December 31, 2010, the monthly distributive shares of county option income taxes that would be distributed to a township

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under this section shall instead be distributed as additional distributive shares to Indianapolis/Marion County.

SECTION 21. IC 12-20-1-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Except as provided in subsection (d), IC 12-20-2 through IC 12-20-28 apply only to a county not having a consolidated city.

(b) As used in this section, "coordinator" means the coordinator of social services appointed under IC 36-2-2-14.5.

(c) Beginning January 1, 2011, the coordinator shall administer township assistance in a county having a consolidated city. The coordinator shall administer assistance on a countywide basis instead of a township basis.

(d) The following apply to the administration of township assistance under subsection (c) in a county having a consolidated city:

(1) A suit or proceeding in favor of or against the coordinator concerning township assistance shall be conducted in favor of or against the county in the county's corporate name.

(2) The coordinator is subject to the same privileges and immunities as are accorded to a township trustee under IC 12-20-3.

(3) The coordinator shall propose uniform standards for the issuance of township assistance throughout the county and the processing of applications for township assistance that meet the requirements of IC 12-20-5.5. The standards shall be adopted by the county legislative body and filed with the county executive.

(4) The coordinator has the same powers in the administration of township assistance for the county as a township trustee has in the administration of township assistance for a township under IC 12-20-4, IC 12-20-5, IC 12-20-15, IC 12-20-16, IC 12-20-17, IC 12-20-18, and IC 12-20-19.

(5) The same standards and requirements that:

(A) apply to; or

(B) may be imposed upon;

recipients of and applicants for township assistance under IC 12-20-6, IC 12-20-7, IC 12-20-8, IC 12-20-9, IC 12-20-10, IC 12-20-11, IC 12-20-12, and IC 12-20-13 apply to or may be imposed upon recipients of and applicants for township assistance administered by the coordinator.

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(6) The coordinator may assert a claim against the estate of an individual who received township assistance from the county to the same extent as a township trustee may assert a claim under IC 12-20-27 against the estate of an individual who received township assistance from a township.

(7) The coordinator is subject to the same reporting requirements with respect to township assistance administered on a countywide basis as a township trustee is subject to under IC 12-20-28 with respect to township assistance administered on a township basis.

(8) State and local agencies shall provide the coordinator with the information provided to a township trustee under IC 12-20-7. The coordinator or an employee of the county is subject to the criminal penalty set forth in IC 12-20-7-6 for disclosure of information.

(9) An applicant for township assistance and the coordinator may appeal a decision regarding township assistance in the same manner that an appeal is taken under IC 12-20-15.

(10) The department of workforce development, the county office of the division of family resources, and any other state or local government agency shall cooperate with and assist the coordinator in carrying out the coordinator's duties under this section and other statutes.

(e) Any application for township assistance for which the township has not entered a final decision regarding the granting or denial of township assistance by the close of business on December 31, 2010, shall be treated as a new application filed with the county on January 1, 2011. The coordinator shall make a decision on the application in accordance with the uniform standards adopted under subsection (d)(3).

(f) Any application for township assistance that has been granted before January 1, 2011, but for which assistance has not been disbursed by the township shall be disbursed and administered by the coordinator in accordance with the township's grant of township assistance.

(g) The coordinator shall assist the controller of the consolidated city in preparing the township assistance budget for budget years 2011 and thereafter.

(h) A township assistance transition advisory group is established in the county having a consolidated city. The advisory group consists of the executive of the consolidated city (or the executive's designee), who shall chair the advisory group, and the

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trustee of each of the townships in the county. The advisory group shall:

(1) submit recommendations to the city-county council regarding the transition from township responsibility for township assistance to county responsibility for township assistance; and

(2) take steps as necessary to assist the transition of responsibility for township assistance.

The advisory group is abolished January 1, 2011.

SECTION 22. IC 12-20-1-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: **Sec. 6. (a) This section applies only to a county having a consolidated city.**

(b) The county shall establish a county township assistance fund.

(c) The fund shall be raised by a tax levy that:

(1) is in addition to all other tax levies authorized; and

(2) shall be levied annually by the county fiscal body on all taxable property in the county in the amount necessary to pay the items, awards, claims, allowances, assistance, and other expenses set forth in the annual township assistance budget for the county.

(d) The tax imposed under this section shall be collected as other state and county ad valorem taxes are collected.

(e) The following shall be paid into the county township assistance fund:

(1) All receipts from the tax imposed under this section.

(2) Any other money required by law to be placed in the fund.

(f) The fund is available for the purpose of paying expenses and obligations set forth in the annual budget.

(g) Money in the fund at the end of a budget year does not revert to the county general fund.

SECTION 23. IC 15-16-7-4, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 4. (a) The weed control board consists of the following members to be appointed by the authorizing body:**

(1) One (1) **member appointed as follows:**

(A) A township trustee of a township in the county.

(B) After December 31, 2010, in a county having a consolidated city, the official responsible for the destruction of detrimental plants described in this chapter or the official's designee.

(2) One (1) soil and water conservation district supervisor.

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(3) One (1) representative from the agricultural community of the county.

(4) One (1) representative from the county highway department or an appointee of the county commissioners.

(5) One (1) cooperative extension service agent from the county to serve in a nonvoting advisory capacity.

(b) Each board member shall be appointed for a term of four (4) years. All vacancies in the membership of the board shall be filled for the unexpired term in the same manner as initial appointments.

(c) The board shall elect a chairperson and a secretary. The members of the board are not entitled to receive any compensation, but are entitled to any traveling and other expenses that are necessary in the discharge of the members' duties.

SECTION 24. IC 15-16-8-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. After December 31, 2010, the powers and duties established by this chapter are conferred and imposed:**

(1) in a county having a consolidated city, on the county with respect to property in the county; and

(2) in all other counties, on the township trustee with respect to property in the township.

SECTION 25. IC 15-16-8-0.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.6. As used in this chapter, "county official" means the elected or appointed official of a county having a consolidated city who is responsible for administering this chapter for the county after December 31, 2010.**

SECTION 26. IC 15-16-8-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.5. As used in this chapter, "fund" means:**

(1) the township fund; or

(2) (after December 31, 2010) the appropriate county fund in a county having a consolidated city.

SECTION 27. IC 15-16-8-4, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 4. (a) If a township trustee or (after December 31, 2010) the county official:**

(1) has reason to believe that detrimental plants may be on real estate; and

(2) gives the owner or person in possession of the real estate

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forty-eight (48) hours notice under subsection (e);
the township trustee **or (after December 31, 2010) the county official**
may enter the real estate to investigate whether there are detrimental
plants on the real estate.

(b) Except as provided in subsection (d), if the township trustee **or**
(after December 31, 2010) the county official determines by:

(1) investigating real estate located in the trustee's township **or**
(after December 31, 2010) the county having a consolidated
city; or

(2) visual inspection without entering real estate located in the
trustee's township **or (after December 31, 2010) the county**
having a consolidated city;

that a person has detrimental plants growing on real estate, the trustee
or (after December 31, 2010) the county official shall give written
notice under subsection (e) to the owner or person in possession of the
real estate to destroy the detrimental plants. The owner or person in
possession of the real estate shall destroy the plants in a manner
provided in section 3 of this chapter not more than five (5) days after
the notice is received under subsection (f).

(c) If the detrimental plants are not destroyed as provided in
subsection (b), the trustee shall cause the detrimental plants to be
destroyed in a manner most practical to the trustee **or (after December**
31, 2010) the county official not more than eight (8) days after notice
is received by the owner or person in possession of the real estate under
subsection (f). The trustee **or (after December 31, 2010) the county**
official may hire a person to destroy the detrimental plants. The trustee
or (after December 31, 2010) the county official or the person
employed to destroy the detrimental plants may enter upon the real
estate where the detrimental plants are growing to destroy the
detrimental plants and are not civilly or criminally liable for damage to
crops, livestock, or other property occurring while carrying out the
work, except for gross negligence or willful or wanton destruction.

(d) If the county has established a county weed control board under
IC 15-16-7, the township trustee **or (after December 31, 2010) the**
county official may notify the county weed control board of the real
estate containing detrimental plants, and the board shall either assume
jurisdiction to control the detrimental plants or decline jurisdiction and
refer the matter back to the township trustee **or (after December 31,**
2010) the county official. The county weed control board shall notify
the township trustee **or (after December 31, 2010) the county official**
of the board's decision.

(e) Notice required in subsection (a) or (b) may be given by:

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(1) certified mail; or

(2) personal service.

(f) Notice under subsection (e) is considered received by the owner or person in possession of the real estate:

(1) if sent by mail, on the earlier of:

(A) the date of signature of receipt of the mailing; or

(B) three (3) business days after the date of mailing; or

(2) if served personally, on the date of delivery.

SECTION 28. IC 15-16-8-5, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) The township trustee **or (after December 31, 2010) the county official** may pay the following costs incurred in cutting or destroying detrimental plants under this chapter:

(1) Chemicals.

(2) Work.

(3) Labor, at a rate per hour to be fixed by the township trustee commensurate with local hourly wages.

(b) If the trustee **or (after December 31, 2010) the county official** believes the infestation of the real estate with detrimental plants is so great and widespread that cutting or eradication by hand methods is impractical, the trustee shall use the necessary power machinery or equipment. The trustee **or (after December 31, 2010) the county official** may pay for the work at a rate per hour fixed by the township trustee **or (after December 31, 2010) the county official** commensurate with the local hourly rate.

(c) When the work has been performed, the person doing the work shall file an itemized bill for the work in the office of the township trustee **or (after December 31, 2010) the county official**. When the bill has been approved, the trustee shall pay the bill out of the township fund **or (after December 31, 2010) the county official shall pay the bill out of the appropriate county fund**. If there is no money available in the township fund for that purpose, the township board, upon finding an emergency exists, shall act under IC 36-6-6-14(b) or IC 36-6-6-15 to borrow money sufficient to meet the emergency. **After December 31, 2010, the county fiscal body shall act in the case of a county having a consolidated city.**

(d) ~~The trustee, when submitting estimates to the township board~~ **An estimate, when submitted to the township board or (after December 31, 2010) the city-county council** for action, shall include in the ~~estimates~~ **estimate** an item sufficient to cover those expenditures.

SECTION 29. IC 15-16-8-6, AS ADDED BY P.L.2-2008,

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SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) The township trustee **or (after December 31, 2010) the county official** shall prepare a statement that contains the following:

(1) A certification of the following costs:

(A) The cost or expense of the work.

(B) The cost of the chemicals.

(C) Twenty dollars (\$20) per day for each day that the trustee or the trustee's agent **or (after December 31, 2010) the county official or official's agent** supervises the performance of the services required under this chapter as compensation for services.

(2) A description of the real estate on which the labor was performed.

(3) A request that the owner or person in possession of the real estate pay the costs under subdivision (1) to the township trustee **or (after December 31, 2010) the county official**.

(b) The certified statement prepared under subsection (a) shall be provided:

(1) to the owner or person possessing the real estate by:

(A) mail, using a certificate of mailing; or

(B) personal service; or

(2) by mailing the certified statement to the auditor of state for any real estate owned by the state or to the fiscal officer of another municipality (as defined in IC 5-11-1-16) for real estate owned by the municipality.

SECTION 30. IC 15-16-8-7, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) If the owner or person in possession of the property does not pay the amount set forth in the certified statement under section 6(a) of this chapter within ten (10) days after receiving the notice under section 6(b) of this chapter, the township trustee **or (after December 31, 2010) the county official** shall file a copy of the certified statement in the office of the county auditor of the county where the real estate is located.

(b) The auditor shall place the amount claimed in the certified statement on the tax duplicate of the real estate. Except as provided in section 8 of this chapter, the amount claimed shall be collected as taxes are collected.

(c) After an amount described in subsection (b) is collected, the funds shall be deposited in the:

(1) trustee's township funds for use at the discretion of the trustee;

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1 or

2 **(2) after December 31, 2010, in the case of a county having a**
 3 **consolidated city, appropriate county fund.**

4 SECTION 31. IC 15-16-8-9, AS ADDED BY P.L.2-2008,
 5 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2009]: Sec. 9. Except as provided in sections 5 through 8 of
 7 this chapter, the county auditor, upon receiving and filing a certified
 8 statement under section 7(a) of this chapter, shall:

9 (1) immediately place the amounts on the certified statement on
 10 the tax duplicate of the county; and

11 (2) collect the amounts at the next tax paying time for the proper
 12 township or townships, **or (after December 31, 2010) the county**
 13 **having a consolidated city**, the same as other state, county, or
 14 township taxes are collected, including penalties, forfeitures, and
 15 sales.

16 After the amounts are collected, the amounts shall be paid to the proper
 17 trustee and placed in the township fund **or (after December 31, 2010),**
 18 **in the case of a county having a consolidated city, placed in the**
 19 **appropriate county fund.**

20 SECTION 32. IC 15-16-8-10, AS ADDED BY P.L.2-2008,
 21 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2009]: Sec. 10. **After December 31, 2010, this section**
 23 **applies only to a county not having a consolidated city.** When the
 24 annual township budget is prepared, a sufficient amount shall be
 25 appropriated to enable the township ~~officials~~ **trustees** to comply with
 26 this chapter.

27 SECTION 33. IC 15-16-8-12, AS ADDED BY P.L.2-2008,
 28 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2009]: Sec. 12. (a) The Purdue University cooperative
 30 extension service shall provide technical assistance to township
 31 trustees **or (after December 31, 2010) the county official** for the
 32 control of detrimental plants.

33 (b) All law enforcement agencies having jurisdiction in a township
 34 **or (after December 31, 2010) a county having a consolidated city**
 35 shall assist the township trustee **or (after December 31, 2010) the**
 36 **county official** in carrying out the duties imposed on the trustee **or**
 37 **(after December 31, 2010) the county official** under this chapter.

38 SECTION 34. IC 15-16-8-14, AS ADDED BY P.L.2-2008,
 39 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2009]: Sec. 14. (a) A person who:

41 (1) knowingly allows detrimental plants to grow and mature on
 42 land owned or possessed by the person;

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- (2) knowing of the existence of detrimental plants on land owned or possessed by the person, fails to cut them down or eradicate the plants by chemicals each year, as prescribed in this chapter;
- (3) having charge of or control over any highway:
- (A) knowingly allows detrimental plants to grow or mature on the right-of-way of the highway; or
 - (B) knowing of the existence of the detrimental plants, fails to cut the plants down or eradicate the plants by using chemicals, as prescribed in this chapter;
- (4) having charge of or control over the right-of-way of a railroad or interurban company:
- (A) knowingly allows detrimental plants to grow and mature on the right-of-way; or
 - (B) knowing of the existence of the detrimental plants, fails to cut the plants down or eradicate the plants by using chemicals, as prescribed in this chapter; or
- (5) knowingly sells Canada thistle (*cirsium arvense*) seed;
- commits a Class C infraction. Each day this section is violated constitutes a separate infraction.
- (b) All judgments collected under this section shall be:
- (1) paid to the trustee and placed in the trustee's township funds for use at the discretion of the trustee; or
 - (2) **after December 31, 2010, placed in the appropriate county fund, in the case of property located in a county that has a consolidated city.**
- SECTION 35. IC 16-31-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) The governing body of a city, town, township, or county by the governing body's action or in any combination may do the following:
- (1) Establish, operate, and maintain emergency medical services.
 - (2) Levy taxes under and limited by IC 6-3.5 and expend appropriated funds of the political subdivision to pay the costs and expenses of establishing, operating, maintaining, or contracting for emergency medical services.
 - (3) Except as provided in section 2 of this chapter, authorize, franchise, or contract for emergency medical services. However:
 - (A) a county may not provide, authorize, or contract for emergency medical services within the limits of any city without the consent of the city; and
 - (B) a city or town may not provide, authorize, franchise, or contract for emergency medical services outside the limits of the city or town without the approval of the governing body of

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the area to be served.

(4) Apply for, receive, and accept gifts, bequests, grants-in-aid, state, federal, and local aid, and other forms of financial assistance for the support of emergency medical services.

(5) Establish and provide for the collection of reasonable fees for emergency ambulance services the governing body provides under this chapter.

(6) Pay the fees or dues for individual or group membership in any regularly organized volunteer emergency medical services association on their own behalf or on behalf of the emergency medical services personnel serving that unit of government.

(b) This section does not apply to a township that:

(1) is located in a county having a consolidated city; and

(2) consolidated the township's fire department under IC 36-3-1-6.1 or (after December 31, 2010) IC 36-3-1-6.4.

SECTION 36. IC 16-41-19-7, AS AMENDED BY P.L.73-2005, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. **(a) After December 31, 2010, a county having a consolidated city has all the rights, duties, and responsibilities of the township and the coordinator for social services appointed under IC 36-2-2-14.5 and has all the rights, duties, and responsibilities of the township trustee under this section.**

~~(a)~~ **(b)** Except as provided in subsection ~~(b)~~, (c), all costs that are incurred in furnishing biologicals under this chapter, IC 12-20-16-2(c)(13), or IC 12-20-16-14 shall be paid by:

(1) the appropriate county, city, or town against which the application form is issued from general funds; ~~and~~

(2) the appropriate township against which the application form is issued from funds in the township assistance fund; **and**

(3) after December 31, 2010, the coordinator of social services appointed under IC 36-2-2-14.5 from funds in the county township assistance fund;

not otherwise appropriated without appropriations.

~~(b)~~ **(c)** A township is not responsible for paying for biologicals as provided in subsection ~~(a)~~(2) **(b)(2)** if the township trustee has evidence that the individual has the financial ability to pay for the biologicals.

~~(c)~~ **(d)** After being presented with a legal claim for insulin being furnished to the same individual a second time, a township trustee may require the individual to complete and file a standard application for township assistance in order to investigate the financial condition of the

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individual claiming to be indigent. The trustee shall immediately notify the individual's physician that:

- (1) the financial ability of the individual claiming to be indigent is in question; and
- (2) a standard application for township assistance must be filed with the township.

The township shall continue to furnish insulin under this section until the township trustee completes an investigation and makes a determination as to the individual's financial ability to pay for insulin.

~~(d)~~ (e) For purposes of this section, the township shall consider an adult individual needing insulin as an individual and not as a member of a household requesting township assistance.

SECTION 37. IC 23-14-31-26, AS AMENDED BY P.L.102-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 26. (a) Except as provided in subsection (c), the following persons, in the priority listed, have the right to serve as an authorizing agent:

- (1) An individual who possesses a health care power of attorney of the decedent, unless the power of attorney prohibits the individual from making plans for the disposition of the decedent's body.
- (2) The individual who was the spouse of the decedent at the time of the decedent's death.
- (3) The decedent's surviving adult children. If more than one (1) adult child is surviving, any adult child who confirms in writing that the other adult children have been notified, unless the crematory authority receives a written objection to the cremation from another adult child.
- (4) The decedent's surviving parent. If the decedent is survived by both parents, either parent may serve as the authorizing agent unless the crematory authority receives a written objection to the cremation from the other parent.
- (5) The individual in the next degree of kinship under IC 29-1-2-1 to inherit the estate of the decedent. If more than one (1) individual of the same degree is surviving, any person of that degree may serve as the authorizing agent unless the crematory authority receives a written objection to the cremation from one (1) or more persons of the same degree.
- (6) In the case of an indigent or other individual whose final disposition is the responsibility of the state, ~~or township,~~ **or (after December 31, 2010) a county having a consolidated city,** the following may serve as the authorizing agent:

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(A) If none of the persons identified in subdivisions (1) through (5) ~~of this section~~ are available:

- (i) a public administrator, including a responsible township trustee or the trustee's designee, **or (after December 31, 2010) the coordinator of social services appointed under IC 36-2-2-14.5 for a county having a consolidated city;** or
- (ii) the coroner.

(B) A state appointed guardian.

However, an indigent decedent may not be cremated if a surviving family member objects to the cremation or if cremation would be contrary to the religious practices of the deceased individual as expressed by the individual or the individual's family.

(7) In the absence of any person under subdivisions (1) through (6), any person willing to assume the responsibility as the authorizing agent, as specified in this article.

(b) When a body part of a nondeceased individual is to be cremated, a representative of the institution that has arranged with the crematory authority to cremate the body part may serve as the authorizing agent.

(c) If:

- (1) the death of the decedent appears to have been the result of:
 - (A) murder (IC 35-42-1-1);
 - (B) voluntary manslaughter (IC 35-42-1-3); or
 - (C) another criminal act, if the death does not result from the operation of a vehicle; and
- (2) the coroner, in consultation with the law enforcement agency investigating the death of the decedent, determines that there is a reasonable suspicion that a person described in subsection (a) committed the offense;

the person referred to in subdivision (2) may not serve as the authorizing agent.

(d) The coroner, in consultation with the law enforcement agency investigating the death of the decedent, shall inform the crematory authority of the determination referred to in subsection (c)(2).

SECTION 38. IC 23-14-33-7.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 7.6. "Cemetery fund" means:**

- (1) the township fund; or**
- (2) after December 31, 2010, the cemetery fund for a county having a consolidated city.**

SECTION 39. IC 23-14-33-13.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2009]: **Sec. 13.5. "County official" means the elected or appointed official of a county having a consolidated city who is responsible for administering this chapter for the county after December 31, 2010.**

SECTION 40. IC 23-14-63-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies whenever ten (10) or more heads of families:

(1) who reside in:

(A) a township **or (after December 31, 2010) a county having a consolidated city;** or

(B) the immediate vicinity of a cemetery owned by a township **or (after December 31, 2010) a county having a consolidated city;** and

(2) who own lots in and whose dead relatives are buried in a cemetery owned by the township **or the county having a consolidated city (after December 31, 2010);** organize, either by themselves or with others, as a corporation for the burial of the dead and the maintenance of a cemetery.

SECTION 41. IC 23-14-63-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The persons described in section 1 of this chapter may file with the township trustee **or (after December 31, 2010) the county official** a petition asking for the conveyance of the cemetery owned by the township **or (after December 31, 2010) a county having a consolidated city** to the corporation.

(b) The persons filing the petition under subsection (a) must give notice of the filing at least three (3) weeks before the filing in accordance with IC 5-3-1-2 by publishing a notice concerning the petition in a newspaper:

(1) that is published in the township; or

(2) if there is no newspaper published in the township, in the newspaper published nearest to the township.

SECTION 42. IC 23-14-63-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. The township trustee **or (after December 31, 2010) a county having a consolidated city,** if satisfied that the petition is signed by a majority of the owners of lots in the cemetery who are residents of the township or of the immediate vicinity of the cemetery, shall convey the cemetery to the corporation formed by the petitioners.

SECTION 43. IC 23-14-63-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) A corporation to which a cemetery is conveyed under section 4 of this chapter:

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- (1) shall control the cemetery;
- (2) shall ornament, beautify, and improve the cemetery;
- (3) may purchase additions and sell lots in the cemetery;
- (4) may assess all lots for the care, improvement, and beautification of the cemetery;
- (5) may receive and hold in trust gifts, donations, and legacies to be devoted to the purposes referred to in subdivisions (1) through (4); and
- (6) may exercise all the powers of a corporation organized under any statute for the purpose of owning, managing, and maintaining cemeteries.

(b) All actions that the corporation takes in accordance with statutes concerning cemeteries before the cemetery is conveyed by the township trustee to the corporation **under section 4 of this chapter** are valid and binding on all parties involved in the actions.

SECTION 44. IC 23-14-64-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies whenever the board of directors of a cemetery association existing under any Indiana statute before March 9, 1939, determines by a majority vote to convey the real estate belonging to the association to the township **or (after December 31, 2010) a county having a consolidated city** in which the association's cemetery is located.

SECTION 45. IC 23-14-64-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.5. **As used in this chapter, "county official" means the elected or appointed official of a county having a consolidated city who is responsible for administering this chapter for the county after December 31, 2010.**

SECTION 46. IC 23-14-64-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. A township trustee **or (after December 31, 2010) the county official** may accept a conveyance of real estate described in section 1 of this chapter. After the conveyance, the township trustee **or (after December 31, 2010) the county official** shall maintain the cemetery as a public cemetery.

SECTION 47. IC 23-14-64-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) If a cemetery association that conveys real estate to a township **or (after December 31, 2010) a county having a consolidated city** under this chapter has endowment funds, cash, securities, or other assets, the funds, cash, securities, or other assets shall be paid over to the township trustee **or (after December 31, 2010) a county having a consolidated city** when the real estate owned by the association is conveyed to the township **or**

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1 **(after December 31, 2010) a county having a consolidated city.**

2 (b) ~~A township trustee who receives~~ Cash, securities, endowment
3 funds, or other assets **received by the township trustee or (after**
4 **December 31, 2010) the county official** under subsection (a) may ~~use~~
5 ~~them~~ be used only:

6 (1) to purchase additional land for the cemetery;

7 (2) to make permanent improvements to the cemetery; or

8 (3) for the upkeep and maintenance of the cemetery.

9 SECTION 48. IC 23-14-64-4 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. All expenses
11 incurred by the trustee **or (after December 31, 2010) a county having**
12 **a consolidated city** in administering this chapter shall be paid out of
13 the ~~township cemetery fund. of the township.~~

14 SECTION 49. IC 23-14-68-1.5 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2009]: Sec. 1.5. As used in this chapter,
17 "county official" means the elected or appointed official of a
18 county having a consolidated city who is responsible for
19 administering this chapter for the county after December 31, 2010.

20 SECTION 50. IC 23-14-68-2 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. The trustee of each
22 township **or (after December 31, 2010) the county official** shall
23 locate and maintain all the cemeteries described in section 1(a) of this
24 chapter that are within the township **or (after December 31, 2010) a**
25 **county having a consolidated city.** However, a cemetery association
26 claiming assistance under this chapter shall furnish a verified statement
27 of assets and liabilities to the township trustee **or (after December 31,**
28 **2010) the county official.**

29 SECTION 51. IC 23-14-68-4 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The township **or**
31 **(after December 31, 2010) the county official** shall appropriate
32 enough money to provide for the care, repair, and maintenance of each
33 cemetery described in section 1(a) of this chapter that is located within
34 the township **or (after December 31, 2010) a county having a**
35 **consolidated city.** Funds shall be appropriated under this subsection
36 in the same manner as other ~~township~~ appropriations **of the township**
37 **or (after December 31, 2010) a county having a consolidated city.**

38 (b) The township may levy a township cemetery tax to create a fund
39 for maintenance of cemeteries under this chapter. If a fund has not been
40 provided for maintenance of cemeteries under this chapter, part of the
41 township fund may be used.

42 (c) **After December 31, 2010, a county having a consolidated city**

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may levy a county cemetery tax to create a fund for maintenance of cemeteries under this chapter. A tax levied under this subsection may be used only for maintenance of cemeteries under this chapter. If a fund has not been provided for maintenance of cemeteries under this chapter, part of the county general fund may be used.

SECTION 52. IC 23-14-69-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies to the following:

(1) A public cemetery that belongs to a township **or (after December 31, 2010) a county having a consolidated city.**

(2) An addition to a public cemetery that belongs to a township **or (after December 31, 2010) a county having a consolidated city.**

SECTION 53. IC 23-14-69-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. This chapter does not apply to the following:

(1) A cemetery that is owned or controlled by a city, a town, or a voluntary association.

(2) A cemetery that is maintained by a township **or (after December 31, 2010) a county having a consolidated city** under IC 23-14-68.

SECTION 54. IC 23-14-69-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 2.5. As used in this chapter, "county official" means the elected or appointed official of a county having a consolidated city who is responsible for administering this chapter for the county after December 31, 2010.**

SECTION 55. IC 23-14-69-3, AS AMENDED BY P.L.2-2008, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. A township trustee **or (after December 31, 2010) the county official** shall care for and maintain each cemetery to which this chapter applies that is located in the township **or (after December 31, 2010) a county having a consolidated city**, keeping the cemeteries in a respectable condition by:

(1) destroying detrimental plants (as defined in IC 15-16-8-1), noxious weeds, and rank vegetation; and

(2) removing all unsightly accumulations and debris.

SECTION 56. IC 23-14-69-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The township trustee **or (after December 31, 2010) the county official** may accept donations of land suitable for a public cemetery if the township trustee **or (after December 31, 2010) the county official** considers

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1 acceptance of the land to be in the best interests of the township or
2 **(after December 31, 2010) a county having a consolidated city.**

3 (b) Donated land shall be:

4 (1) conveyed to the township or **(after December 31, 2010) a**
5 **county having a consolidated city;**

6 (2) set apart by the trustee or **(after December 31, 2010) a**
7 **county having a consolidated city** for a public cemetery; and

8 (3) kept in good condition and repair by the township trustee or
9 **(after December 31, 2010) a county having a consolidated city.**

10 SECTION 57. IC 23-14-69-5 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) If:

12 (1) no land suitable for a public cemetery is donated to a
13 township; and

14 (2) if the township legislative body adopts a resolution approving
15 the purchase;

16 the township executive may purchase land for the purpose of
17 establishing a public cemetery.

18 **(b) If no land suitable for a public cemetery is donated to a**
19 **county having a consolidated city (after December 31, 2010), the**
20 **county executive, with the approval of the county fiscal body, may**
21 **purchase land for the purpose of establishing a public cemetery.**

22 ~~(b)~~ (c) When land is purchased and conveyed to the township or
23 **(after December 31, 2010) a county having a consolidated city**
24 under subsection (a) or **(b)**, the land must be set apart, kept in repair,
25 and used as provided in section 6 of this chapter.

26 SECTION 58. IC 23-14-69-6 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. A public cemetery
28 of a township or **(after December 31, 2010) a county having a**
29 **consolidated city** may be used by the inhabitants of the township or
30 **(after December 31, 2010) county having a consolidated city** for the
31 interment of the dead. The township trustee or **(after December 31,**
32 **2010) the county official** may prescribe regulations governing the use
33 of the cemetery.

34 SECTION 59. IC 23-14-69-7, AS AMENDED BY P.L.113-2006,
35 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2009]: Sec. 7. (a) When a township or **(after December 31,**
37 **2010) a county having a consolidated city** acquires title to land by
38 donation, purchase, or otherwise for a public cemetery, the trustee of
39 the township or **(after December 31, 2010) the county official** shall:

40 (1) lay out the land in lots with streets and walks;

41 (2) plat the land; and

42 (3) record the plat in the office of the recorder of the county.

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(b) For recording a plat under subsection (a), the recorder shall collect the same fees as are allowed for similar recordings.

(c) The lots laid out and platted under subsection (a) must be numbered. A specific part of the lots must be:

(1) set apart; and

(2) designated on the plat;

for a potter's field.

(d) After the plat has been recorded, the township trustee **or (after December 31, 2010) the county official** shall appoint:

(1) one (1) disinterested freeholder of the township **or (after**

December 31, 2010) county having a consolidated city; and

(2) one (1) disinterested appraiser licensed under IC 25-34.1;

who are residents of Indiana to appraise and fix the value of all the lots on the plat, except the part assigned to the potter's field under subsection (c). The appraisal shall be filed with and preserved by the township trustee **or (after December 31, 2010) the county official**.

SECTION 60. IC 23-14-69-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The township trustee **or (after December 31, 2010) the county official** may sell and convey the lots in a cemetery to which this chapter applies at a private sale to persons who desire to purchase them. The trustee **or (after December 31, 2010) the county official** shall not sell a lot under this subsection at less than the value fixed for the lot under section 7 of this chapter.

(b) The proceeds of the sale of lots in a cemetery under subsection (a) shall be used to pay the expenses that the township trustee **or (after December 31, 2010) the county official** may incur under this chapter for the cemetery. Any surplus shall be held as a fund for use in keeping the cemetery in repair.

(c) The township trustee **or (after December 31, 2010) the county official** shall keep an accurate account of:

(1) the money received by the township trustee **or (after December 31, 2010) the county official** for the purpose of keeping the cemetery in repair; and

(2) the sums that the township trustee **or (after December 31, 2010) the county official** has paid out, and for which the trustee **or (after December 31, 2010) the county official** has taken vouchers.

SECTION 61. IC 23-14-69-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. All expenses incurred by the township trustee **or (after December 31, 2010) the county official** for administering this chapter shall be paid out of the

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township cemetery fund. of the township.

SECTION 62. IC 23-14-70-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.5. As used in this chapter, "county official" means the elected or appointed official of a county having a consolidated city who is responsible for administering this chapter for the county after December 31, 2010.**

SECTION 63. IC 23-14-70-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 3.** The county auditor shall distribute the interest accrued on any cemetery fund or funds received under section 1 of this chapter on the last Monday of January of each year to the following person or persons:

(1) The trustee of the township **or (after December 31, 2010) the county official** in which an abandoned or unincorporated cemetery is located.

(2) The trustee of the township lying on the east or south of the cemetery if the cemetery is located on a county boundary or a township boundary.

(3) The treasurer of the board of directors of an incorporated cemetery.

SECTION 64. IC 23-14-70-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 4.** (a) A township trustee, **(after December 31, 2010) the county official**, or treasurer of the board of directors of an incorporated cemetery who receives a distribution under section 3 of this chapter shall make a receipt or voucher for any money paid out.

(b) A receipt or voucher made under subsection (a) must state:

(1) the amount paid out;

(2) the purpose for which the money was expended; and

(3) the fund from which the money came.

(c) The receipts and vouchers made under subsection (a) shall be:

(1) filed with the county auditor before January 2 of each year; and

(2) presented to the board of commissioners for examination and approval at the January meeting of the board of commissioners.

SECTION 65. IC 23-14-74-1, AS AMENDED BY P.L.2-2008, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.** A corporation, organization, association, or individual that owns and has the control and management of a public cemetery located in a township **or (after December 31, 2010) a county having a consolidated city** shall keep the public cemetery in a respectable condition by destroying detrimental plants (as defined in

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IC 15-16-8-1), noxious weeds, and rank vegetation.

SECTION 66. IC 23-14-75-1, AS AMENDED BY P.L.163-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies to a city, town, or township, **or (after December 31, 2010) county having a consolidated city** that:

- (1) owns a cemetery that has been in existence for at least thirty (30) years; or
- (2) desires to own a public cemetery.

SECTION 67. IC 23-14-75-2, AS AMENDED BY P.L.163-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. If land has not been appropriated or set apart by the owners by platting for a public cemetery and it is necessary to purchase real estate for the cemetery:

- (1) the legislative body of the city, or town, **or (after December 31, 2010) county having a consolidated city**; or
- (2) the executive of the township;

has the power of eminent domain to condemn and appropriate the land for cemetery purposes under proceedings provided by statute.

SECTION 68. IC 32-26-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The trustee of each township, the county highway superintendent, the Indiana department of transportation, or other officer in control of the maintenance of a highway shall between January 1 and April 1 of each year, examine all hedges, live fences, natural growths along highways, and other obstructions described in section 1 of this chapter in their respective jurisdictions. **However, after December 31, 2010, the duties and obligations of a township trustee under this chapter are the responsibility of the county in the case of a county having a consolidated city.** If there are hedges, live fences, other growths, or obstructions along the highways that have not been cut, trimmed down, and maintained in accordance with this chapter, the owner shall be given written notice to cut or trim the hedge or live fence and to burn the brush trimmed from the hedge or live fence and remove any other obstructions or growths.

(b) The notice required under subsection (a) must be served by reading the notice to the owner or by leaving a copy of the notice at the owner's usual place of residence.

(c) If the owner is not a resident of the township, county, or state where the hedge, live fence, or other obstructions or growth is located, the notice shall be served upon the owner's agent or tenant residing in the township **or (after December 31, 2010) a county having a**

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consolidated city. If an agent or a tenant of the owner does not reside in the township **or (after December 31, 2010) a county having a consolidated city**, the notice shall be served by mailing a copy of the notice to the owner, directed to the owner's last known post office address.

(d) If the owner, agents, or tenants do not proceed to cut and trim the fences and burn the brush trimmed from the fences or remove any obstructions or growths within ten (10) days after notice is served, the township trustee, county highway superintendent, or Indiana department of transportation shall immediately:

(1) cause the fences to be cut and trimmed or obstructions or growths removed in accordance with this chapter; and

(2) burn the brush trimmed from the fences.

All expenses incurred under this subsection shall be assessed against and become a lien upon the land in the same manner as road taxes.

(e) The township trustee, county highway superintendent, ~~or~~ Indiana department of transportation, **or (after December 31, 2010) county official of a county having a consolidated city** having charge of the work performed under subsection (d) shall prepare an itemized statement of the total cost of the work of removing the obstructions or growths and shall sign and certify the statement to the county auditor of the county in which the land is located. The county auditor shall place the statement on the tax duplicates. The county treasurer shall collect the costs entered on the duplicates at the same time and in the same manner as road taxes are collected. The treasurer may not issue a receipt for road taxes unless the costs entered on the duplicates are paid in full at the same time the road taxes are paid. If the costs are not paid when due, the costs shall become delinquent, bear the same interest, be subject to the same penalties, and be collected at the same time and in the same manner as other unpaid and delinquent taxes.

SECTION 69. IC 32-26-9-0.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.6. As used in this chapter, "county official" means the official of a county having a consolidated city who is responsible for administering this chapter for the county after December 31, 2010.**

SECTION 70. IC 32-26-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The owner of a property that:

(1) is located outside;

(2) abuts; or

(3) is adjacent to;

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the boundary of the corporate limits of a town or city shall separate the owner's property from adjoining properties by a partition fence constructed upon the line dividing or separating the properties regardless of when the properties were divided.

(b) Except as otherwise provided in this chapter, and if a division of the partition fence has not been made between the property owners for the building, repairing, or rebuilding of the partition fence:

(1) for a partition fence built along a property line than runs from north to south:

(A) the owner whose property lies to the east of the fence shall build the north half of the fence; and

(B) the owner whose land lies to the west of the fence shall build the south half of the fence; and

(2) for a partition fence built along a property line that runs from east to west:

(A) the owner whose property lies north of the fence shall build the west half of the fence; and

(B) the owner whose property lies to the south of the fence shall build the east half of the fence.

(c) Notwithstanding subsection (b), if either property owner has constructed one-half (1/2) of a partition fence that is not the portion required under subsection (b) and has maintained that portion of the partition fence for a period of not less than five (5) years, the property owner may continue to maintain the portion of the fence.

(d) If a property owner fails to build, rebuild, or repair a partition fence after receiving notice under this chapter, the township trustee of the township in which the property is located **or (after December 31, 2010) the county official** shall build, rebuild, or repair the fence as provided under this chapter.

SECTION 71. IC 32-26-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) A partition fence shall be built, rebuilt, and kept in repair at the cost of the property owners whose properties are enclosed or separated by the fences proportionately according to the number of rods or proportion of the fence the property owner owns along the line of the fence, whether the property owner's title is a fee simple or a life estate.

(b) If a property owner fails or refuses to compensate for building, rebuilding, or repairing the property owner's portion of a partition fence, another property owner who is interested in the fence, after having built, rebuilt, or repaired the property owner's portion of the fence, shall give to the defaulting property owner or the defaulting property owner's agent or tenant twenty (20) days notice to build,

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rebuild, or repair the defaulting property owner's portion of the fence. If the defaulting property owner or the defaulting property owner's agent or tenant fails to build, rebuild, or repair the fence within twenty (20) days, the complaining property owner shall notify the township trustee of the township **or (after December 31, 2010) the county official** in which the properties are located of the default.

(c) This subsection applies if the fence sought to be established, rebuilt, or repaired is on a township line. Unless disqualified under subsection (h), the complaining property owner shall notify the trustee of the township **or (after December 31, 2010) the county official** in which the property of the complaining property owner is located of the default under subsection (b), and the trustee **or (after December 31, 2010) the county official** has jurisdiction in the matter.

(d) The township trustee **or (after December 31, 2010) the county official** who receives a complaint under this section shall:

- (1) estimate the costs for building, rebuilding, or repairing the partition fence; and
- (2) within a reasonable time after receiving the complaint, make out a statement and notify the defaulting property owner of the probable cost of building, rebuilding, or repairing the fence.

If twenty (20) days after receiving a notice under this subsection the defaulting property owner has not built, rebuilt, or repaired the fence, the trustee shall build or repair the fence. The trustee **or (after December 31, 2010) the county official** may use only the materials for the fences that are most commonly used by the farmers of the community.

(e) If the trustee of a township is disqualified to act under subsection (h), the trustee of an adjoining township who resides nearest to where the fence is located shall act on the complaint upon receiving a notice by a property owner who is interested in the fence.

(f) A lawful partition fence is any one (1) of the following that is sufficiently tight and strong to hold cattle, hogs, horses, mules, and sheep:

- (1) A straight board and wire fence, a straight wire fence, a straight board fence, or a picket fence four (4) feet high.
- (2) A straight rail fence four and one-half (4 1/2) feet high.
- (3) A worm rail fence five (5) feet high.

(g) This subsection applies if a ditch or creek crosses the division line between two (2) property owners, causing additional expense in the maintenance of the part over the stream. If the property owners cannot agree upon the proportionate share of each property owner, the township trustee **or (after December 31, 2010) the county official**

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shall appoint three (3) disinterested citizens who shall apportion the partition fence to be built by each property owner.

(h) If a township trustee **or (after December 31, 2010) the county official** is:

- (1) related to any of the interested property owners; or
- (2) an interested property owner;

~~the trustee of any other township who resides nearest to where the fence is located~~ **another trustee or county official** shall act under this chapter.

(i) This subsection applies if a ditch or creek forms, covers, or marks the dividing line or a part of the dividing line between the properties of separate and different property owners so that partition fences required under this chapter cannot be built and maintained on the dividing line. The partition fences shall be built and maintained under this chapter as near to the boundary line as is practical, and each property owner shall build a separate partition fence on the property owner's property and maintain the fence at the property owner's cost.

(j) This subsection applies where a partition fence required under this chapter crosses a ditch or creek and it is impracticable to construct or maintain that portion of the fence that crosses the ditch or creek as a stationary fence. Instead of the portion of the fence that would cross the ditch or creek, there shall be constructed, as a part of the partition fence, floodgates or other similar structures that are sufficiently high, tight, and strong to turn hogs, sheep, cattle, mules, and horses or other domestic animals. The floodgates or other similar structures shall be constructed to swing up in times of high water and to connect continuously with the partition fences.

(k) This subsection applies if the building and maintenance of the floodgates or other similar structure required under subsection (j) causes additional expenses and the property owners cannot agree upon the character of floodgates or other similar structure, or upon the proportionate share of the cost to be borne by each property owner. The:

- (1) township trustee, upon notice in writing from either property owner of a disagreement and the nature of the disagreement, shall appoint three (3) disinterested citizens of the township; **or**
- (2) **(after December 31, 2010) county official, upon notice in writing from either property owner of a disagreement and the nature of the disagreement, shall appoint three (3) disinterested citizens of the county;**

who shall determine the kind of structure and apportion the cost of the floodgate or other structure between the property owners, taking into

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consideration the parts of the fence being maintained by each property owner.

(l) The determination of a majority of the arbitrators of any matter or matters submitted to them under this section is final and binding on each property owner. The compensation of the arbitrators is two dollars (\$2) each, which shall be paid by the property owners in the proportion each property owner is ordered to bear the expense of a gate or structure.

(m) This subsection applies if either or both of the property owners fail to construct or compensate for constructing the structure determined upon by the arbitrators in the proportion determined within thirty (30) days after the determination. The township trustee **or (after December 31, 2010) the county official** shall proceed at once to construct the gate or structure and collect the cost of the gate or structure, including the compensation of the arbitrators, from the defaulting property owner in the same manner as is provided for ordinary partition fences. The floodgate or other structure shall be repaired, rebuilt, or replaced according to the determination of the arbitrators.

SECTION 72. IC 32-26-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) As soon as the township trustee **or (after December 31, 2010) the county official** has had a fence built, rebuilt, or repaired under this chapter, the trustee **or (after December 31, 2010) the county official** shall make out a certified statement in triplicate of the actual cost incurred by the trustee **or (after December 31, 2010) the county official** in the building, rebuilding, or repairing the fence. One (1) copy must be handed to or mailed to the property owner affected by the work, one (1) copy must be retained by the trustee as a record for the township, and one (1) copy must be filed in the auditor's office of the county in which the fence is located and in which the property of the property owner affected by the work is located. At the same time the trustee shall also file with the county auditor a claim against the county, for the amount shown in the statement filed with the county auditor.

(b) The county auditor shall:

(1) examine the claims and statement as other claims are examined; and

(2) present the claims and statements to the board of county commissioners at the next regular meeting.

Unless there is an apparent error in the statement or claim, the board of county commissioners shall make allowance, and the county auditor shall issue a warrant for the amount claimed to the township trustee

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submitting the claim out of the county general fund without an appropriation being made by the county council.

(c) The amount paid out of the county general fund under subsection (b) **or (after December 31, 2010) the amount incurred by a county, in the case of a county having a consolidated city, for the work** shall be:

(1) placed by the county auditor on the tax duplicate against the property of the property owner affected by the work;

(2) collected as taxes are collected; and

(3) when collected, paid into the county general fund.

SECTION 73. IC 33-34-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. (a) There are established ~~township five~~ **(5)** small claims courts in each county containing a consolidated city.

~~(b) The name of each court shall be the "_____ Township of Marion County Small Claims Court" (insert the name of the township in the blank):~~

(b) Each small claims court has one (1) judge appointed by the mayor of the consolidated city under IC 33-34-2-1.

SECTION 74. IC 33-34-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 5. The judge of the circuit court shall extend aid and assistance to the judges in the conduct of the ~~township~~ small claims courts.

SECTION 75. IC 33-34-2-1, AS AMENDED BY P.L.174-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. **(a)** A judge **of a small claims court** shall be elected at the general election every four ~~(4)~~ years by the registered voters residing within the township in which the small claims court is located: **appointed by the mayor of the consolidated city.**

(b) Not more than three (3) of the five (5) small claims court judges may be members of the same political party.

(c) Before the term of a person serving as a small claims court judge expires, the mayor shall:

(1) reappoint the person for another term as judge; or

(2) appoint another person as judge.

(d) If a vacancy occurs on a small claims court, the mayor of the consolidated city shall appoint a qualified person to serve the remainder of the unexpired term.

SECTION 76. IC 33-34-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. A judge must meet the qualifications prescribed by ~~IC 3-8-1-30~~: **be:**

(1) a United States citizen;

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1 **(2) a resident of the county having the consolidated city; and**
 2 **(3) admitted to the practice of law in Indiana;**
 3 **upon being appointed by the mayor of the consolidated city.**

4 SECTION 77. IC 33-34-2-3 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. The term of
 6 office of a judge is ~~four (4)~~ **six (6)** years, beginning January 1 after
 7 ~~election~~ **appointment** and continuing until:

8 **(1) the judge is reappointed for another six (6) year term; or**

9 **(2) a successor is ~~(1) elected; and (2) qualified; appointed for a~~**
 10 **six (6) year term.**

11 SECTION 78. IC 33-34-2-4 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. (a) The circuit
 13 court judge may establish a regular hourly schedule for the
 14 performance of duties by ~~full-time or part-time township~~ small claims
 15 courts, and each judge shall maintain that schedule.

16 (b) If the circuit court judge does not establish a regular hourly
 17 schedule, the judge shall perform the judge's duties at regular,
 18 reasonable hours.

19 (c) Regardless of whether a regular hourly schedule has been
 20 established as set forth in subsection (a), a judge shall hold sessions in
 21 addition to the judge's regular schedule whenever the business of the
 22 judge's court requires.

23 SECTION 79. IC 33-34-2-5 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 5. (a) The salary
 25 of a judge ~~who serves full time~~ must be in an amount determined by the
 26 township board of the township in which the small claims court is
 27 located: **city-county council of the consolidated city.**

28 ~~(b) The salary of each judge who serves part time must be in an~~
 29 ~~amount determined by the township board and approved by the~~
 30 ~~city-county council.~~

31 ~~(c)~~ **(b)** The salary of a judge may not be reduced during the judge's
 32 term of office.

33 ~~(d)~~ **(c)** At any other time, salaries of any ~~full-time or part-time~~ judge
 34 may be increased or decreased by the ~~township board of the township~~
 35 in which the small claims court is located: **city-county council of the**
 36 **consolidated city.**

37 SECTION 80. IC 33-34-2-6 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 6. (a) The annual
 39 salary of a judge shall be paid in ~~twelve (12) equal monthly~~
 40 installments by the ~~township trustee; a schedule determined by the~~
 41 **county auditor and approved by the city-county council of the**
 42 **consolidated city.**

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(b) The judge may not receive remuneration other than a salary set under section 5 of this chapter for the performance of the judge's official duties except payments for performing marriage ceremonies.

SECTION 81. IC 33-34-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 7. ~~(a) A judge serving part-time may participate in other gainful employment if the employment does not:~~

~~(1) interfere with the exercise of the judge's judicial office; or~~

~~(2) involve any conflict of interest in the performance of the judge's judicial duties.~~

~~(b) A judge serving shall devote full time to the judge's judicial duties and may not engage in the practice of law. if the practice does not conflict in any way with the judge's official duties and does not:~~

~~(1) cause the judge to be unduly absent from the court; or~~

~~(2) interfere with the ready and prompt disposal of the judge's judicial duties.~~

SECTION 82. IC 33-34-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 9. (a) A vacation of one (1) month per year shall be provided for a judge. ~~who serves in a full-time capacity.~~

(b) The circuit court judge may authorize the appointment of a judge pro tempore to handle the judicial business of the vacationing judge, if the circuit court judge considers it necessary.

SECTION 83. IC 33-34-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 13. (a) A judge shall procure a seal that will stamp upon paper a distinct impression of words and letters. The seal must contain the words " Township of Marion County Small Claims Court". ~~(insert the name of the township in the blank).~~

(b) Deeds, mortgages, powers of attorney, state warrants, and all other instruments of writing pertaining to the judge's official duty, attested by the seal and signature of the judge, are presumptive evidence of the official character of the court or judge in all courts in Indiana without further authentication.

SECTION 84. IC 33-34-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 14. (a) The resignation of a judge shall be delivered to the clerk of the circuit court. The clerk shall advise the circuit court and ~~appropriate township board.~~ **the mayor of the consolidated city.**

(b) A vacancy occurring in a judgeship must be filled ~~under IC 3-13-10.~~ **by the mayor under section 1(d) of this chapter.**

SECTION 85. IC 33-34-3-1 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. (a) ~~Except for~~
 2 ~~a claim between landlord and tenant~~; A case within the jurisdiction of
 3 a small claims court may be:

- 4 (1) venued;
- 5 (2) commenced; and
- 6 (3) decided;

7 in any township small claims court within the county. ~~However, upon~~
 8 ~~a motion for change of venue filed by the defendant within ten (10)~~
 9 ~~days of service of the summons, the township small claims court shall~~
 10 ~~determine in accordance with subsection (b) whether required venue~~
 11 ~~lies with the court or with another small claims court in the county in~~
 12 ~~which the small claims court action was filed.~~

13 (b) The venue determination to be made under subsection (a) must
 14 be made in the following order:

15 (1) In an action upon a debt or account, venue is in the township
 16 where any defendant has consented to venue in a writing signed
 17 by the defendant.

18 (2) Venue is in the township where a transaction or occurrence
 19 giving rise to any part of the claim took place.

20 (3) Venue is in the township (in a county of the small claims
 21 court) where the greater percentage of individual defendants
 22 included in the complaint resides; or, if there is not a greater
 23 percentage, the place where any individual named as a defendant:

24 (A) resides;

25 (B) owns real estate; or

26 (C) rents an apartment or real estate or where the principal
 27 office or place of business of any defendant is located.

28 (4) Venue is in the township where the claim was filed if there is
 29 no other township in the county in which the small claims court
 30 sits in which required venue lies:

31 (c) Venue of any claim between landlord and tenant must be in the
 32 township where the real estate is located.

33 (d) If a written motion challenging venue is received by the small
 34 claims court, the court shall rule whether required venue lies in the
 35 township of filing.

36 SECTION 86. IC 33-34-3-14 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 14. (a) All
 38 judgments rendered in civil actions may be recorded in the judgment
 39 docket book of the proper ~~division of the~~ small claims court.

40 (b) A judgment entered by a small claims court is a lien on real
 41 estate when entered in the circuit court judgment docket in the same
 42 manner as a judgment in a court of general jurisdiction becomes a lien

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on real estate under IC 34-55-9.

(c) The clerk of the small claims court shall keep a docket in which judgments shall be entered and properly indexed in the name of the judgment defendant as judgments of circuit courts are entered and indexed.

SECTION 87. IC 33-34-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. The circuit court judge may transfer cases from one (1) ~~township~~ small claims court to another as necessary.

SECTION 88. IC 33-34-5-4, AS AMENDED BY P.L.174-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 4. (a) If a judge is unable to preside over the judge's small claims court during any number of days, the ~~judge~~ **mayor of the consolidated city** may appoint in writing a person qualified to be a small claims judge under IC 33-34-2-2 to preside in place of the judge.

(b) The written appointment shall be entered on the order book or record of the circuit court. The appointee shall, after taking the oath prescribed for the judges, conduct the business of the small claims court subject to the same rules and regulations as judges and has the same authority during the continuance of the appointee's appointment.

(c) The appointee is entitled to the same compensation ~~from the township trustee~~ as accruable to the small claims judge in whose place the appointee is serving.

SECTION 89. IC 33-34-5-5, AS AMENDED BY P.L.174-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 5. (a) A judge absent from the bench for more than thirty (30) days shall deposit the dockets, books, and papers of the office with the:

(1) ~~small claims~~ judge of another ~~township~~; **small claims court**;
or

(2) circuit court;

as directed by the circuit court judge.

(b) A:

(1) judge with whom the docket of another judge is deposited during a vacancy or an absence; and

(2) successor of any judge who has the dockets of the successor's predecessor in the successor's possession;

may perform all duties that the judge might do legally in relation to the judge's own dockets.

(c) Process shall be returned to the judge who has the legal custody of the docket at the day of return.

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SECTION 90. IC 33-34-6-1, AS AMENDED BY P.L.174-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. **(a) The township trustee city-county council of the consolidated city** shall provide a courtroom and an office for each judge in a **convenient** location within the ~~township that has:~~ **county as determined by the mayor of the consolidated city under subsection (b). Each location must have:**

- (1) adequate access;
- (2) sufficient parking facilities;
- (3) a separate and appropriate courtroom;
- (4) proper space and facilities for the bailiff, clerks, and other employees; and
- (5) enough room for files and supplies.

(b) The mayor of the consolidated shall determine the location of the five (5) small claims courts as follows:

- (1) One (1) small claims court must be located in the township in the county that has the largest population.**
- (2) The other four (4) small claims courts must be located in other townships in the county not described in subdivision (1) at places that are the most convenient for public access.**

SECTION 91. IC 33-34-6-2, AS AMENDED BY P.L.174-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 2. ~~A township~~ **The city-county council of the consolidated city** shall:

- (1) furnish all:
 - (A) supplies, including all blanks, forms, stationery, and papers of every kind, required for use in all cases in the township small claims court; and
 - (B) furniture, books, and other necessary equipment and supplies; and
- (2) provide for all necessary maintenance and upkeep of the facilities where court is held.

SECTION 92. IC 33-34-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. ~~Each township~~ **The city-county council of the consolidated city** shall provide an appropriate and competitive salary, ~~of at least five thousand six hundred dollars (\$5,600)~~ **as determined by the city-county council,** for the number of clerks for the small claims court sufficient to:

- (1) operate efficiently; and
- (2) adequately serve the citizens doing business with the court.

SECTION 93. IC 33-34-6-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE

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JANUARY 1, 2011]: **Sec. 5. The division of the sheriff's department that is responsible for the service of civil process is also responsible for service of process for the small claims courts.**

SECTION 94. IC 33-34-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. The judge of the circuit court, with the assistance of the clerk of the circuit court, the judges of the small claims courts, and the state board of accounts, shall, at the expense of the ~~townships:~~ **county having a consolidated city:**

(1) provide the forms, blanks, court calendar books, judgment dockets, and fee books; and

(2) make rules and instructions to direct the judges in keeping records and making reports.

The clerk of the circuit court shall keep full and permanent records and reports of each judge's past and current proceedings, indexed and available for reference as a public record.

SECTION 95. IC 33-34-8-1, AS AMENDED BY P.L.176-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 1. (a) The following fees and costs apply to cases in the small claims court:

(1) A ~~township~~ **small claims court** docket fee of five dollars (\$5) plus forty-five percent (45%) of the infraction or ordinance violation costs fee under IC 33-37-4-2.

(2) The bailiff's service of process by registered or certified mail fee of thirteen dollars (\$13) for each service.

(3) The cost for the personal service of process by the bailiff or other process server of thirteen dollars (\$13) for each service.

(4) Witness fees, if any, in the amount provided by IC 33-37-10-3 to be taxed and charged in the circuit court.

(5) A redocketing fee, if any, of five dollars (\$5).

(6) A document storage fee under IC 33-37-5-20.

(7) An automated record keeping fee under IC 33-37-5-21.

(8) A late fee, if any, under IC 33-37-5-22.

(9) A public defense administration fee under IC 33-37-5-21.2.

(10) A judicial insurance adjustment fee under IC 33-37-5-25.

(11) A judicial salaries fee under IC 33-37-5-26.

(12) A court administration fee under IC 33-37-5-27.

The docket fee and the cost for the initial service of process shall be paid at the institution of a case. The cost of service after the initial service shall be assessed and paid after service has been made. The cost of witness fees shall be paid before the witnesses are called.

(b) If the amount of the ~~township~~ **small claims court** docket fee computed under subsection (a)(1) is not equal to a whole number, the

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amount shall be rounded to the next highest whole number.

SECTION 96. IC 33-34-8-3, AS AMENDED BY P.L.122-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 3. (a) Payment for all costs made as a result of proceedings in a small claims court shall be ~~to deposited in the~~ _____ Township of Marion County Small Claims Court (with the name of the township inserted): **county general fund of the county having a consolidated city.** The court shall issue a receipt for all money received on a form numbered serially in duplicate. ~~All township docket fees and late fees received by the court shall be paid to the township trustee at the close of each month.~~

(b) The ~~court~~ **county auditor** shall:

(1) semiannually distribute to the auditor of state:

(A) all automated record keeping fees (IC 33-37-5-21) received by the court for deposit in the state user fee fund established under IC 33-37-9;

(B) all public defense administration fees collected by the court under IC 33-37-5-21.2 for deposit in the state general fund;

(C) sixty percent (60%) of all court administration fees collected by the court under IC 33-37-5-27 for deposit in the state general fund;

(D) all judicial insurance adjustment fees collected by the court under IC 33-37-5-25 for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2; and

(E) seventy-five percent (75%) of all judicial salaries fees collected by the court under IC 33-37-5-26 for deposit in the state general fund; and

(2) ~~distribute monthly to the county auditor deposit~~ all document storage fees ~~received by the court. into the clerk's record perpetuation fund under IC 33-37-5-2.~~

The remaining forty percent (40%) of the court administration fees described in subdivision (1)(C) and remaining twenty-five percent (25%) of the judicial salaries fees described in subdivision (1)(E) shall be deposited ~~monthly in the township county~~ general fund. ~~of the township in which the court is located. The county auditor shall deposit fees distributed under subdivision (2) into the clerk's record perpetuation fund under IC 33-37-5-2.~~

(c) The court semiannually shall pay to the township trustee of the township in which the court is located the remaining forty percent (40%) of the court administration fees described under subsection

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(b)(1)(C) to fund the operations of the small claims court in the trustee's township.

(c) Funds deposited in the county general fund under this section shall be used:

- (1) to offset the expenses of operating the five (5) small claims courts in the county, including the payment of salaries of persons who serve process for the small claims courts; and**
- (2) if any funds remain during a fiscal year after the payment of expenses under subdivision (1), to fund public safety programs in the county as determined by the city-county council of the consolidated city.**

SECTION 97. IC 34-30-2-58, AS AMENDED BY P.L.2-2008, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 58. IC 15-16-8-4 (Concerning township trustees, **county officials**, or persons hired by them for the removal of detrimental plants upon another person's real property).

SECTION 98. IC 36-1-8-5.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5.1. (a) A political subdivision may establish a rainy day fund by the adoption of:

- (1) an ordinance, in the case of a county, city, or town; or
- (2) a resolution, in the case of any other political subdivision.

(b) An ordinance or a resolution adopted under this section must specify the following:

- (1) The purposes of the rainy day fund.
- (2) The sources of funding for the rainy day fund, which may include the following:

(A) Unused and unencumbered funds under:

- (i) section 5 of this chapter;
- (ii) IC 6-3.5-1.1-21.1;
- (iii) IC 6-3.5-6-17.3; or
- (iv) IC 6-3.5-7-17.3.

(B) Any other funding source:

- (i) specified in the ordinance or resolution adopted under this section; and
- (ii) not otherwise prohibited by law.

(c) The rainy day fund is subject to the same appropriation process as other funds that receive tax money.

(d) In any fiscal year, a political subdivision may transfer under section 5 of this chapter not more than ten percent (10%) of the political subdivision's total annual budget for that fiscal year, adopted under IC 6-1.1-17, to the rainy day fund.

(e) A political subdivision may use only the funding sources

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specified in subsection (b)(2)(A) or in the ordinance or resolution establishing the rainy day fund. The political subdivision may adopt a subsequent ordinance or resolution authorizing the use of another funding source.

(f) The department of local government finance may not reduce the actual or maximum permissible levy of a political subdivision as a result of a balance in the rainy day fund of the political subdivision.

(g) A township that is located in a county having a consolidated city may not after July 1, 2009, transfer or expend from the township's rainy day fund more than one percent (1%) of the balance in that rainy day fund (as of July 1, 2009) in any twelve (12) month period without approval of the fiscal body of the consolidated city.

SECTION 99. IC 36-1-8-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 17. (a) This section applies only to a township in a county having a consolidated city.**

(b) After June 30, 2009, a township may not enter into a contract with a term that extends beyond December 31, 2010, unless the contract has been approved by the fiscal body of the county.

SECTION 100. IC 36-2-2-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 14.5. (a) The executive shall appoint a coordinator of social services to:**

(1) estimate the amount necessary to meet the cost of township assistance in the county for taxes first due and payable after 2010; and

(2) administer township assistance for the county under IC 12-20-1-5 and IC 12-30-4 beginning January 1, 2011.

(b) The coordinator is under the supervision of the executive and holds office at the pleasure of the executive.

(c) If the coordinator is absent from the coordinator's office due to illness, death, vacation, resignation, or removal, the president of the executive, if any, or a qualified person appointed by the executive shall act as coordinator until the coordinator returns to the coordinator's duties or the executive appoints a new coordinator.

SECTION 101. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006, SECTION 560, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 6.1. (a) This section applies only in a county containing a consolidated city and applies only to the**

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consolidations of fire departments that are effective before January 1, 2011. If the requirements of subsection (g) are satisfied, the fire departments of the following are consolidated into the fire department of a consolidated city (referred to as "the consolidated fire department"):

(1) A township for which the consolidation is approved by the township legislative body and trustee and the legislative body and mayor of the consolidated city.

(2) Any fire protection territory established under IC 36-8-19 that is located in a township described in subdivision (1).

(b) If the requirements of subsection (g) are satisfied, the consolidated fire department shall provide fire protection services within an entity described in subsection (a)(1) or (a)(2) in which the requirements of subsection (g) are satisfied on the date agreed to in the resolution of the township legislative body and the ordinance of the legislative body of the consolidated city.

(c) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city, all of the property, equipment, records, rights, and contracts of the department consolidated into the fire department of the consolidated city are:

(1) transferred to; or

(2) assumed by;

the consolidated city on the effective date of the consolidation. However, real property other than real property used as a fire station may be transferred only on terms mutually agreed to by the legislative body and mayor of the consolidated city and the trustee and legislative body of the township in which that real property is located.

(d) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city, the employees of the fire department consolidated into the fire department of the consolidated city cease employment with the department of the entity listed in subsection (a) and become employees of the consolidated fire department on the effective date of the consolidation. The consolidated city shall assume all agreements with labor organizations that:

(1) are in effect on the effective date of the consolidation; and

(2) apply to employees of the department consolidated into the fire department of the consolidated city who become employees of the consolidated fire department.

(e) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the

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1 fire department of a consolidated city, the indebtedness related to fire
 2 protection services incurred before the effective date of the
 3 consolidation by the entity or a building, holding, or leasing
 4 corporation on behalf of the entity whose fire department is
 5 consolidated into the consolidated fire department under subsection (a)
 6 shall remain the debt of the entity and does not become and may not be
 7 assumed by the consolidated city. Indebtedness related to fire
 8 protection services that is incurred by the consolidated city before the
 9 effective date of the consolidation shall remain the debt of the
 10 consolidated city, and property taxes levied to pay the debt may only
 11 be levied by the fire special service district.

12 (f) If the requirements of subsection (g) are satisfied and the fire
 13 department of an entity listed in subsection (a) is consolidated into the
 14 fire department of a consolidated city, the merit board and the merit
 15 system of the fire department that is consolidated are dissolved on the
 16 effective date of the consolidation, and the duties of the merit board are
 17 transferred to and assumed by the merit board for the consolidated fire
 18 department on the effective date of the consolidation.

19 (g) A township legislative body, after approval by the township
 20 trustee, may adopt a resolution approving the consolidation of the
 21 township's fire department with the fire department of the consolidated
 22 city. A township legislative body may adopt a resolution under this
 23 subsection only after the township legislative body has held a public
 24 hearing concerning the proposed consolidation. The township
 25 legislative body shall hold the hearing not earlier than thirty (30) days
 26 after the date the resolution is introduced. The hearing shall be
 27 conducted in accordance with IC 5-14-1.5, and notice of the hearing
 28 shall be published in accordance with IC 5-3-1. If the township
 29 legislative body has adopted a resolution under this subsection, the
 30 township legislative body shall, after approval from the township
 31 trustee, forward the resolution to the legislative body of the
 32 consolidated city. If such a resolution is forwarded to the legislative
 33 body of the consolidated city and the legislative body of the
 34 consolidated city adopts an ordinance, approved by the mayor of the
 35 consolidated city, approving the consolidation of the fire department of
 36 the township into the fire department of the consolidated city, the
 37 requirements of this subsection are satisfied. The consolidation shall
 38 take effect on the date agreed to by the township legislative body in its
 39 resolution and by the legislative body of the consolidated city in its
 40 ordinance approving the consolidation.

41 (h) The following apply if the requirements of subsection (g) are
 42 satisfied:

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(1) The consolidation of the fire department of that township is effective on the date agreed to by the township legislative body in the resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(2) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1977 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section; remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

(3) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1937 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section; remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

(4) For property taxes first due and payable in the year in which the consolidation is effective, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

(A) is increased for the consolidated city by an amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services by the township whose fire department is consolidated into the fire department of the consolidated city under this section; and

(B) is reduced for the township whose fire department is consolidated into the fire department of the consolidated city under this section by the amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services for the township.

(5) The amount levied in the year preceding the year in which the consolidation is effective by the township whose fire department is consolidated into the fire department of the consolidated city for the township's cumulative building and equipment fund for

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1 fire protection and related services is transferred on the effective
 2 date of the consolidation to the consolidated city's cumulative
 3 building and equipment fund for fire protection and related
 4 services, which is hereby established. The consolidated city is
 5 exempted from the requirements of IC 36-8-14 and IC 6-1.1-41
 6 regarding establishment of the cumulative building and
 7 equipment fund for fire protection and related services.

8 (6) The local boards for the 1937 firefighters' pension fund and
 9 the 1977 police officers' and firefighters' pension and disability
 10 fund of the township are dissolved, and their services are
 11 terminated not later than the effective date of the consolidation.
 12 The duties performed by the local boards under IC 36-8-7 and
 13 IC 36-8-8, respectively, are assumed by the consolidated city's
 14 local board for the 1937 firefighters' pension fund and local board
 15 for the 1977 police officers' and firefighters' pension and
 16 disability fund, respectively. Notwithstanding any other provision,
 17 the legislative body of the consolidated city may adopt an
 18 ordinance to adjust the membership of the consolidated city's
 19 local board to reflect the consolidation.

20 (7) The consolidated city may levy property taxes within the
 21 consolidated city's maximum permissible ad valorem property tax
 22 levy limit to provide for the payment of the expenses for the
 23 operation of the consolidated fire department. However, property
 24 taxes to fund the pension obligation under IC 36-8-7 for members
 25 of the 1937 firefighters fund who were employees of the
 26 consolidated city at the time of the consolidation may be levied
 27 only by the fire special service district within the fire special
 28 service district. The fire special service district established under
 29 IC 36-3-1-6 may levy property taxes to provide for the payment
 30 of expenses for the operation of the consolidated fire department
 31 within the territory of the fire special service district. Property
 32 taxes to fund the pension obligation under IC 36-8-8 for members
 33 of the 1977 police officers' and firefighters' pension and disability
 34 fund who were members of the fire department of the
 35 consolidated city on the effective date of the consolidation may be
 36 levied only by the fire special service district within the fire
 37 special service district. Property taxes to fund the pension
 38 obligation for members of the 1937 firefighters fund who were
 39 not members of the fire department of the consolidated city on the
 40 effective date of the consolidation and members of the 1977
 41 police officers' and firefighters' pension and disability fund who
 42 were not members of the fire department of the consolidated city

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on the effective date of the consolidation may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy. However, these taxes may be levied only within the fire special service district and any townships that have consolidated fire departments under this section.

(8) The executive of the consolidated city shall provide for an independent evaluation and performance audit, due before March 1 of the year in which the consolidation is effective and before March 1 in each of the following two (2) years, to determine:

(A) the amount of any cost savings, operational efficiencies, or improved service levels; and

(B) any tax shifts among taxpayers;

that result from the consolidation. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the state budget committee.

SECTION 102. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6.2. (a) If a ~~consolidated~~ fire department is ~~established~~ **consolidated** under section 6.1 of this chapter, the consolidated city, through the consolidated fire department, shall after the consolidation establish, operate, and maintain emergency ambulance services (as defined in IC 16-18-2-107) in the fire special service district and in those townships in the county that are consolidated under section 6.1 of this chapter.

(b) This section does not prohibit the providing of emergency ambulance services **by contract or** under an interlocal agreement under IC 36-1-7.

SECTION 103. IC 36-3-1-6.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 6.4. (a) This section does not apply to the consolidation of a fire department under section 6.1 of this chapter that is effective before January 1, 2011.**

(b) The following fire departments are consolidated into the fire department of the consolidated city (referred to as "the consolidated fire department") on January 1, 2011:

(1) The fire department of a township located in the county containing a consolidated city.

(2) The fire department of any fire protection territory established under IC 36-8-19 that is located in a township described in subdivision (1).

The fire department of an excluded city is not consolidated into the

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1 fire department of the consolidated city.

2 (c) After December 31, 2010, the consolidated fire department
3 shall provide fire protection services within the county (except in
4 an excluded city). The consolidated fire department may provide
5 fire protection services in an excluded city if the consolidated city
6 and the excluded city enter into a contract or interlocal agreement
7 for the fire protection services.

8 (d) All of the property, equipment, records, rights, and contracts
9 of each department consolidated into the fire department of the
10 consolidated city under this section are:

11 (1) transferred to; or

12 (2) assumed by;

13 the consolidated city on January 1, 2011. Any funds transferred
14 under this subsection to the consolidated city that represent
15 balances in a cumulative building and equipment fund for fire
16 protection and related services established under IC 36-8-14 shall
17 be deposited in the consolidated city's cumulative building and
18 equipment fund for fire protection and related services and shall
19 be used by the consolidated city only for funding land, buildings,
20 and equipment for fire protection and emergency medical services
21 as provided under IC 36-8-14.

22 (e) The employees of a fire department that is consolidated into
23 the fire department of the consolidated city under this section cease
24 employment with the department listed in subsection (b) and,
25 subject to approval of the executive of the consolidated city under
26 IC 36-6-1.1-3, become employees of the consolidated fire
27 department on January 1, 2011. The consolidated city shall assume
28 all agreements with labor organizations that:

29 (1) are in effect on January 1, 2011; and

30 (2) apply to employees of the department that is consolidated
31 into the fire department of the consolidated city who become
32 employees of the consolidated fire department.

33 (f) Indebtedness related to fire protection services incurred
34 before January 1, 2011, by an entity whose fire department is
35 consolidated into the consolidated fire department under this
36 section (or incurred by a building, holding, or leasing corporation
37 on behalf of the entity) shall be assumed, defeased, paid, or
38 refunded by the consolidated city. However, the consolidated city
39 may levy a tax to pay the indebtedness only within the geographic
40 area of the entity that originally incurred the indebtedness.

41 (g) Notwithstanding any other law, to assume, defease, pay, or
42 refund all or part of an indebtedness described in subsection (f),

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the consolidated city is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness.

(h) Notwithstanding subsections (f) and (g), the consolidated city may not assume all or a part of an indebtedness described in subsection (f) that will exceed the limitations on the amount of indebtedness that the consolidated city may incur. If the consolidated city is prohibited by this subsection from assuming all or a part of an indebtedness described in subsection (f), the entity that originally incurred the debt:

(1) shall impose the tax levy necessary to pay the indebtedness; and

(2) shall, notwithstanding any other provision, remain in existence until the indebtedness is paid.

An entity that remains in existence under subdivision (2) shall remain in existence only for the purpose of imposing the tax levy under subdivision (1).

(i) The rights of trustees and bondholders with respect to any:

(1) bonds or other indebtedness described in subsection (f); or

(2) bond resolution, trust agreement or indenture, security agreement, purchase agreement, or other undertaking with respect to indebtedness described in subsection (f);

remain the same, although the powers, duties, agreements, and liabilities of the entities listed in subsection (b) have been transferred to the consolidated city, and the consolidated city shall be considered to have assumed all those powers, duties, agreements, and liabilities.

(j) The merit board and the merit system of each fire department that is consolidated into the fire department of the consolidated city are dissolved on January 1, 2011, and the duties of the merit board are transferred to and assumed by the merit board for the consolidated fire department on that day.

(k) The following apply after a fire department is consolidated into the fire department of the consolidated city under this section:

(1) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1977 fund on January 1, 2011; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section;

remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21.

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The firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

(2) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1937 fund on January 1, 2011; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section;

remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

(3) For property taxes first due and payable in the first calendar year in which property taxes are first due and payable based on the consolidation, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 and maximum property tax rates for fire protection services for:

(A) the consolidated city; and

(B) the entity whose fire department is consolidated into the fire department of the consolidated city under this section;

are determined under IC 6-1.1-18.5-22.

(4) The balance in the cumulative building and equipment fund of a township whose fire department is consolidated into the fire department of the consolidated city is transferred as provided in subsection (d).

(5) The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of an entity whose fire department is consolidated into the fire department of the consolidated city are dissolved, and their services are terminated on January 1, 2011. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's local board to reflect a consolidation under this section.

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(6) The consolidated city may levy property taxes within the area served by the consolidated fire department to provide for the payment of the expenses for the operation of the consolidated fire department. However, property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters' fund who were employees of the consolidated city at the time of the consolidation may be levied only by the fire special service district within the fire special service district. The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department within or that directly benefit the territory of the fire special service district. Property taxes to fund the pension obligation under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were members of the fire department of the consolidated city on the effective date of the consolidation may be levied only by the fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the 1937 firefighters' fund who were not members of the fire department of the consolidated city on the effective date of the consolidation and members of the 1977 police officers' and firefighters' pension and disability fund who were not members of the fire department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy. However, these taxes may be levied only within the fire special service district and any townships that have consolidated fire departments under this section.

(7) The executive of the consolidated city shall provide for an independent evaluation and performance audit, due before March 1, 2011, and before March 1 in each of the following two (2) years, to determine:

(A) the amount of any cost savings, operational efficiencies, or improved service levels; and

(B) any tax shifts among taxpayers;

that result from the consolidation. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the budget committee.

(l) In the case of a township that consolidates its fire department

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under this section, any amounts transferred by the township from the township's rainy day fund to the consolidated city shall be used by the consolidated city as follows:

(1) The consolidated city shall first use the transferred money to pay any outstanding indebtedness of the township from which the money was transferred.

(2) If any part of the transferred money remains after the payments under subdivision (1), the consolidated city shall use the remaining part of the transferred money to pay the outstanding indebtedness of other townships that consolidate fire departments under this section.

(3) If any part of the transferred money remains after the payments under subdivisions (1) and (2), the consolidated city shall use the remaining part of the transferred money as specified by ordinance of the legislative body of the consolidated city.

(m) On July 1, 2009, a fire consolidation transition advisory group is established in the county having a consolidated city. The advisory group consists of the chief of the fire department of the consolidated city (or the chief's designee), who shall chair the advisory group, and one (1) member appointed by the trustee of each township that has not consolidated its fire department into the fire department of the consolidated city. The advisory group shall do the following:

(1) Develop a strategic plan to determine resource requirements and resource deployments for the consolidated fire department. In developing the strategic plan, the advisory group shall consider the Fire Department Consolidation Staffing Committee Report (as revised April 26, 2005) prepared by the Indianapolis Metropolitan Professional Firefighters Association Local 416.

(2) Submit recommendations to the executive of the consolidated city and the city-county council regarding the consolidation of fire departments.

(3) Take steps as necessary to assist the consolidation of fire departments.

The advisory group is abolished January 1, 2011.

(n) The executive of the consolidated city shall update the strategic plan developed under subsection (m) at least once every three (3) years.

(o) After December 31, 2010, the consolidated fire department in a county containing a consolidated city shall be designated as the

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1 **metropolitan fire department.**

2 SECTION 104. IC 36-3-6-9, AS AMENDED BY P.L.146-2008,
3 SECTION 705, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) The city-county legislative
5 body shall review the proposed operating and maintenance budgets and
6 tax levies and adopt final operating and maintenance budgets and tax
7 levies for each of the following entities in the county:

- 8 (1) An airport authority operating under IC 8-22-3.
9 (2) A public library operating under IC 36-12.
10 (3) A capital improvement board of managers operating under
11 IC 36-10.
12 (4) A public transportation corporation operating under IC 36-9-4.
13 (5) A health and hospital corporation established under
14 IC 16-22-8.
15 (6) Any other taxing unit (as defined in IC 6-1.1-1-21) that is
16 located in the county and has a governing body that is not
17 comprised of a majority of officials who are elected to serve on
18 the governing body.

19 Except as provided in subsection (c), the city-county legislative body
20 may reduce or modify but not increase a proposed operating and
21 maintenance budget or tax levy under this section.

22 (b) The board of each entity listed in subsection (a) shall, after
23 adoption of its proposed budget and tax levies, submit them, along with
24 detailed accounts, to the city clerk before the first day of September of
25 each year.

26 (c) The city-county legislative body shall review the issuance of
27 bonds of an entity listed in subsection (a). Approval of the city-county
28 legislative body is required for the issuance of bonds. The city-county
29 legislative body may not reduce or modify a budget or tax levy of an
30 entity listed in subsection (a) in a manner that would:

- 31 (1) limit or restrict the rights vested in the entity to fulfill the
32 terms of any agreement made with the holders of the entity's
33 bonds; or
34 (2) in any way impair the rights or remedies of the holders of the
35 entity's bonds.

36 (d) If the assessed valuation of a taxing unit is entirely contained
37 within an excluded city or town (as described in IC 36-3-1-7) that is
38 located in a county having a consolidated city, the governing body of
39 the taxing unit shall submit its proposed operating and maintenance
40 budget and tax levies to the city or town fiscal body (**rather than to**
41 **the city-county legislative body**) for approval.

42 SECTION 105. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE

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1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2009]: **Sec. 6. Notwithstanding any other law, the consolidated**
3 **city may, after December 31, 2010, issue obligations to refund**
4 **obligations issued before January 1, 2011, in the name of:**

5 (1) a township;

6 (2) a fire protection territory; or

7 (3) a building, holding, or leasing corporation on behalf of a
8 township or a fire protection territory;

9 to satisfy the requirements of IC 36-3-1-6.4(f), IC 36-3-1-6.4(g), and
10 IC 36-3-1-6.4(h).

11 SECTION 106. IC 36-3-8 IS ADDED TO THE INDIANA CODE
12 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2009]:

14 **Chapter 8. Included Towns in Marion County Public Question**

15 **Sec. 1. As used in this chapter, "city-county council" means the**
16 **legislative body of a consolidated city.**

17 **Sec. 2. As used in this chapter, "included town" means a town**
18 **described in IC 36-3-1-7.**

19 **Sec. 3. An included town may not be abolished and the duties**
20 **and powers of the included town transferred to the consolidated**
21 **city unless the voters approve the abolition of the town and**
22 **transfer of the town's duties to the county in an election on a local**
23 **public question held under this chapter.**

24 **Sec. 4. The following question shall be submitted to the voters**
25 **at the election conducted under this chapter:**

26 "Shall _____ (insert the name of the included town) be
27 abolished and the duties and responsibilities of _____
28 (insert name of included town) be transferred to the city of
29 Indianapolis?".

30 **Sec. 5. (a) The county auditor shall certify the public question**
31 **described in section 4 of this chapter under IC 3-10-9-3 to the**
32 **county election board of the county having a consolidated city.**
33 **After the public question is certified, the public question shall be**
34 **placed on the ballot at the general election in November 2010.**

35 **(b) Only the registered voters who are residents of the included**
36 **town may vote on the public question.**

37 **Sec. 6. The circuit court clerk shall certify the results of the**
38 **public question to the following:**

39 (1) The secretary of state.

40 (2) The county auditor.

41 (3) The department of local government finance.

42 (4) The department of state revenue.

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(5) The state board of accounts.

Sec. 7. (a) If a majority of the voters voting on the public question in the included town vote in favor of the public question, the included town is abolished and the included town's duties and powers are transferred to the consolidated city on January 1, 2011.

(b) If an included town is located partly within the county containing a consolidated city and partly outside the county containing a consolidated city, the entire town is abolished.

Sec. 8. If a majority of the voters in the included town voting on the public question vote in opposition to the public question, the included town is not abolished.

Sec. 9. IC 3, to the extent not inconsistent with this chapter, applies to an election held under this chapter.

Sec. 10. (a) This chapter contains full and complete authority for the city-county council to take any action necessary to:

- (1) abolish one (1) or more of the included towns; and
- (2) transfer the duties and powers of an included town that is abolished to the consolidated city.

(b) This chapter shall be liberally construed to carry out the purposes of this article.

Sec. 11. The following apply if an included town is abolished:

(1) Except as otherwise provided, all the property, assets, funds, equipment, records, rights, contracts, obligations, and liabilities of the included town are transferred to or assumed by the consolidated city on the date the included town is abolished.

(2) The employees of the included town become employees of the consolidated city on the date the entity is abolished. The consolidated city shall assume all agreements with labor organizations that:

(A) are in effect on the date the included town is abolished; and

(B) apply to employees of the included town who become employees of the consolidated city.

(3) The indebtedness incurred by the included town (or by a building, holding, or leasing corporation on behalf of the included town) before the date the included town is abolished shall be assumed, defeased, paid, or refunded by the consolidated city. Notwithstanding any other law, to assume, defease, pay, or refund all or a part of the indebtedness described in this subdivision, the consolidated city is not required to comply with any other statutory procedures or

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1 approvals that apply when a unit incurs indebtedness.
 2 However, if an included town that is located partly within the
 3 county containing a consolidated city and partly outside the
 4 county containing a consolidated city is abolished, the
 5 indebtedness shall be assumed, defeased, paid, or refunded by
 6 the consolidated city and by the county not containing a
 7 consolidated city on a proportionate basis according to the
 8 percentages of the included town's assessed valuation (as of
 9 the most recent assessment date before the town is abolished)
 10 that is located in the county containing the consolidated city
 11 and the county not containing the consolidated city. If
 12 indebtedness is assumed, defeased, paid, or refunded under
 13 this subdivision by a county not containing a consolidated city,
 14 the provisions applicable to the consolidated city under this
 15 section also apply to the county not containing a consolidated
 16 city. The rights of the town and the bondholders with respect
 17 to any of the entity's bonds or other indebtedness, bond
 18 resolution, trust agreement or indenture, security agreement,
 19 purchase agreement, or other undertaking with respect to
 20 indebtedness remain the same although the powers, duties,
 21 agreements, and liabilities of the included town have been
 22 transferred to the consolidated city, and the consolidated city
 23 is considered to have assumed all those powers, duties,
 24 agreements, and liabilities. However, the consolidated city
 25 may not assume all or a part of the indebtedness described in
 26 this subdivision that will exceed the limitations on the amount
 27 of indebtedness that the consolidated city may incur. To the
 28 extent that the consolidated city may not assume all or a part
 29 of the indebtedness described in this subdivision, the included
 30 town is not abolished and continues to exist as a taxing unit
 31 only for the purpose of levying property taxes necessary to
 32 pay the indebtedness that is not assumed by the consolidated
 33 city. After the indebtedness not assumed by the consolidated
 34 city has been paid, the included town is abolished. The ad
 35 valorem property tax levy limits imposed by IC 6-1.1-18.5 do
 36 not apply to ad valorem property taxes imposed by a
 37 consolidated city to pay or fund any indebtedness assumed,
 38 defeased, paid, or refunded under this chapter.
 39 (4) The department of local government finance shall adjust
 40 the maximum permissible property tax levies, maximum
 41 permissible property tax rates, and budget of the consolidated
 42 city to take into account the transfer of duties and powers of

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the abolished included town to the consolidated city.

(5) Any unexpended funds distributed to the included town from the motor vehicle highway account under IC 8-14-1 are transferred to the motor vehicle highway account.

(6) The terms of office of any elected officer of the included town terminate on the date the included town is abolished.

(7) The following apply if an included town that is located partly within the county containing a consolidated city and partly outside the county containing a consolidated city is abolished:

(A) Real property of the included town shall be transferred to the county in which the real property is located.

(B) All other property, assets, funds, equipment, and records of the included town shall be transferred as provided in a resolution adopted by the legislative body of the included town before the election held on the public question under section 4 of this chapter.

(C) Indebtedness of the included town shall be assumed, defeased, paid, or refunded as provided in subdivision (3).

SECTION 107. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 1.1. Transfer of Township Firefighting Responsibilities

Sec. 1. This chapter applies only to a county having a consolidated city.

Sec. 2. The functions, duties, and responsibilities of the township trustee and township board with respect to providing fire protection and related services are transferred to the county on January 1, 2011.

Sec. 3. The executive of the consolidated city shall specify which township employees that provided fire protection services and emergency services before the transfer of functions, duties, and responsibilities under this chapter become employees of the consolidated city or county responsible for fire protection services and emergency services.

Sec. 4. The balance on January 1, 2011, in a debt service fund of a township that relates to debt incurred for firefighting purposes:

(1) is transferred to the county in which the township is located; and

(2) shall be used by the county to pay indebtedness or lease rentals for which the fund was established.

Any balance remaining in the fund after all payments for

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1 indebtedness or lease rentals required under this section have been
2 made is transferred to the county general fund.

3 **Sec. 5. (a) The balance on January 1, 2011, in a township's**
4 **firefighting fund:**

5 (1) is transferred to the consolidated city; and

6 (2) shall be deposited in the general fund of the consolidated
7 city.

8 (b) The department of local government finance shall determine
9 the amounts to be transferred under this section.

10 (c) IC 36-1-8-5 does not apply to a balance referred to in this
11 section.

12 SECTION 108. IC 36-6-1.2 IS ADDED TO THE INDIANA CODE
13 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2009]:

15 **Chapter 1.2. Abolishing Township Government in Marion**
16 **County**

17 **Sec. 1. As used in this chapter, "city-county council" means the**
18 **legislative body of a consolidated city.**

19 **Sec. 2. (a) Effective January 1, 2011, all township governments**
20 **in the county are abolished, and the duties and powers of the**
21 **township governments are transferred to the county. Each**
22 **township retains its geographical boundaries and its name.**

23 (b) Before January 1, 2011, the city-county council shall adopt
24 an ordinance, approved by the mayor, that specifies the
25 departments or agencies of the county that shall assume the duties
26 and powers of the townships, consistent with state statutes.

27 (c) The clerk of the city-county council shall submit a certified
28 copy of an ordinance adopted under this chapter to the secretary
29 of state, the department of local government finance, the
30 department of state revenue, and the state board of accounts.

31 **Sec. 3. The following occur on January 1, 2011:**

32 (1) The office of township trustee of each township is
33 abolished.

34 (2) The township board of each township is abolished.

35 (3) The functions, duties, and responsibilities of the township
36 trustee, other than the functions, duties, and responsibilities
37 of the township trustee and of the township board that are
38 transferred under IC 36-6-1.1 or another statute, are
39 transferred to the county.

40 **Sec. 4. Except as provided in IC 36-6-1.1 or another statute, all:**

41 (1) assets;

42 (2) property rights;

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- (3) equipment;
- (4) records;
- (5) personnel (except as otherwise provided by statute); and
- (6) contracts;

connected with the operations of a township are transferred to the county on January 1, 2011.

Sec. 5. Beginning January 1, 2011, notwithstanding any other law to the contrary, a township's monthly distributive share of any county option income taxes is reduced to zero (0), and those county option income taxes shall instead be distributed as additional distributive shares to the county.

Sec. 6. The balance on January 1, 2011, in a debt service fund of a township:

- (1) is transferred to the county in which the township is located; and
- (2) shall be used by the county to pay indebtedness or lease rentals for which the fund was established.

Any balance remaining in the fund after all payments for indebtedness or lease rentals required under this section have been made is transferred to the county general fund.

Sec. 7. (a) On January 1, 2011, the balance in a township's general fund attributable to the duties of the township trustee under IC 36-6-4-3, other than the duties transferred under IC 36-6-1.1, is transferred to the county.

(b) The department of local government finance shall determine the amounts to be transferred under subsection (a).

(c) IC 36-1-8-5 does not apply to a balance referred to in subsection (a).

Sec. 8. (a) The balance in a township's township assistance fund attributable to the duties of the township trustee on January 1, 2011:

- (1) is transferred to the county; and
- (2) shall be deposited in the county township assistance fund established under IC 12-20-1-6.

(b) The department of local government finance shall determine the amounts to be transferred under this section.

(c) IC 36-1-8-5 does not apply to a balance referred to in this section.

Sec. 9. The county containing a consolidated city shall assume, defease, pay, or refund all indebtedness of the township other than indebtedness related to fire protection services:

- (1) using the same procedures; and

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(2) subject to the same restrictions;
that apply to a consolidated city assuming, defeasing, paying, or
refunding under IC 36-3-1-6.1(e) all indebtedness of the township
related to fire protection services.

Sec. 10. (a) The maximum permissible ad valorem property tax
levies of the township, the consolidated city, and the county and the
maximum property tax rates for fire protection services are
adjusted under IC 6-1.1-18.5-22.

(b) In addition to any adjustments under IC 6-1.1-18.5-22, the
department of local government finance shall adjust the maximum
permissible property tax levies, maximum permissible property tax
rates, and budget of the consolidated city and other units as
necessary to take into account the transfer of duties and powers of
townships to the consolidated city or to the county containing the
consolidated city.

SECTION 109. IC 36-6-4-3, AS AMENDED BY P.L.2-2008,
SECTION 82, AND AS AMENDED BY P.L.146-2008, SECTION
709, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2009]: Sec. 3. The executive shall do the
following:

- (1) Keep a written record of official proceedings.
- (2) Manage all township property interests.
- (3) Keep township records open for public inspection.
- (4) Attend all meetings of the township legislative body.
- (5) Receive and pay out township funds.
- (6) Examine and settle all accounts and demands chargeable
against the township.
- (7) Administer township assistance under IC 12-20 and
IC 12-30-4.
- (8) Perform the duties of fence viewer under IC 32-26.
- ~~(9) Act as township assessor when required by IC 36-6-5.~~
- ~~(10)~~ (9) Provide and maintain cemeteries under IC 23-14.
- ~~(11)~~ (10) Provide fire protection under IC 36-8, except in a
township that:
 - (A) is located in a county having a consolidated city; and
 - (B) consolidated the township's fire department under
IC 36-3-1-6.1 or (after December 31, 2010) IC 36-3-1-6.4.
- ~~(12)~~ (11) File an annual personnel report under IC 5-11-13.
- ~~(13)~~ (12) Provide and maintain township parks and community
centers under IC 36-10.
- ~~(14)~~ (13) Destroy detrimental plants, noxious weeds, and rank
vegetation under ~~IC 15-3-4~~ IC 15-16-8.

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~~(15)~~ (14) Provide insulin to the poor under IC 12-20-16.

~~(16)~~ (15) Perform other duties prescribed by statute.

SECTION 110. IC 36-6-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The executive may use the township's share of state, county, and township tax revenues and federal revenue sharing funds for all categories of community services, if these funds are appropriated for these services by the township legislative body. The executive may use these funds for both operating and capital expenditures.

(b) With the consent of the township legislative body, the executive may contract with corporations for health and community services not specifically provided by another governmental entity.

(c) The executive may contract with a private person to provide regular or emergency ambulance service within the township. The contract may provide for the imposition and collection of fees for this service. **However, this subsection does not apply after December 31, 2010, to the executive of a township that is located in a county having a consolidated city.**

(d) The township legislative body may adopt a resolution to provide for the imposition and collection of fees for ambulance services provided by the township police or fire department. **However, this subsection does not apply after December 31, 2010, to the executive of a township that is located in a county having a consolidated city.**

SECTION 111. IC 36-7-4-504.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 504.5. (a) In preparing or revising a comprehensive plan for a township, the legislative body of the consolidated city shall adopt an ordinance requiring the plan commission to establish an advisory committee of citizens interested in problems of planning and zoning for that township, a majority of whom shall be nominated by the township legislative body.

(b) An advisory committee created under subsection (a) must include a representative of the affected township legislative body as determined by procedures established in an ordinance adopted by the legislative body of the consolidated city.

(c) After December 31, 2010, the legislative body of the consolidated city in preparing or revising a comprehensive plan for a township shall adopt an ordinance requiring the plan commission to establish an advisory committee of citizens interested in problems of planning and zoning for each township.

SECTION 112. IC 36-8-7-4, AS AMENDED BY P.L.227-2005, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) If a unit has less than five (5) members in

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1 its fire department, the unit may provide for the organization of a local
2 board consisting of the fire chief, the executive of the unit, and one (1)
3 member of the fire department.

4 (b) The trustee from the fire department shall be elected under this
5 section.

6 (c) The local board may amend the bylaws of the fund to elect the
7 trustee from the fire department in an election held on any three (3)
8 consecutive days in February specified in the bylaws. The election shall
9 be called by the fire chief and held at the house or quarters of the fire
10 department. Subject to this section, the election shall be conducted in
11 the manner specified in the bylaws.

12 (d) This subsection applies only if the local board does not elect to
13 be governed by subsection (c). The trustee from the fire department
14 shall be elected at a meeting held on the second Monday in February
15 each year. The meeting shall be called by the fire chief and held at the
16 house or quarters of the fire department.

17 (e) The term of the elected trustee is one (1) year beginning
18 immediately after the trustee's election.

19 (f) Each member of the department is entitled to one (1) ballot, and
20 the person receiving the highest number of votes is elected. The
21 executive of the unit, the fire chief, and the city or county clerk shall
22 canvass and count the ballots, and the clerk shall issue a certificate of
23 election to the person having received the highest number of votes. If
24 two (2) persons have received the same number of votes, the executive
25 and the chief shall immediately determine by lot who will be the trustee
26 from the persons receiving an equal number of votes.

27 (g) This section does not apply to a township if the fire department
28 of the township is consolidated under IC 36-3-1-6.1 **or (after**
29 **December 31, 2010) IC 36-3-1-6.4.**

30 SECTION 113. IC 36-8-7-5, AS AMENDED BY P.L.227-2005,
31 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2009]: Sec. 5. (a) An election shall be held each year under
33 this section to elect one (1) trustee from the active members of the fire
34 department for a term of four (4) years, commencing on the day of his
35 election. The fire chief shall fix a time for holding a convention to
36 nominate candidates for trustees to be elected at each election. Each
37 convention must be held at least five (5) days before the day on which
38 the annual election is held. A convention consists of one (1) delegate
39 from each fire company and one (1) delegate to be selected by the chief
40 and the chief's assistants. The delegate from each fire company shall be
41 elected by ballot by the members of the company at a time to be fixed
42 by the chief in the call for a convention. The election of delegates shall

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1 be certified by the captain or other officer of the company, or, if there
 2 is not an officer present, then by the oldest member of the company
 3 present. The convention, when assembled, shall nominate six (6)
 4 members of the fire department to be voted upon as trustees, and the
 5 delegates shall report the names of the persons nominated as candidates
 6 to their respective companies in writing.

7 (b) The local board may amend the bylaws of the fund to elect the
 8 trustee from the active members of the fire department in an election
 9 held on any three (3) consecutive days in February specified in the
 10 bylaws. The election shall be called by the fire chief and held at the
 11 house or quarters of the respective companies of the fire department.
 12 Subject to this section, the election shall be conducted in the manner
 13 specified in the bylaws.

14 (c) This subsection applies only if the local board does not elect to
 15 be governed by subsection (b). The election shall be held at the houses
 16 or quarters of the respective companies on the second Monday in
 17 February between 9 a.m. and 6 p.m.

18 (d) Each member of a fire company is entitled to one (1) ballot, and
 19 the ballot may not contain the names of more than one (1) person,
 20 chosen from the six (6) persons nominated by the convention. The
 21 candidate receiving the highest number of votes is elected.

22 (e) The captain or other officer in command of each of the fire
 23 companies, immediately after the casting of all ballots, shall canvass
 24 and count the ballots. The captain or other officer shall certify in
 25 writing the total number of ballots cast and the number of votes
 26 received by each candidate for the office of trustee. After signing the
 27 certificate, the officer shall enclose it, together with all the ballots cast
 28 by the fire company, in an envelope, securely sealed and addressed,
 29 and deliver them to the fire chief. The fire chief shall deliver them to
 30 the executive of the unit as soon as the chief receives all the certificates
 31 and ballots. Upon receipt the executive shall, in the presence of the
 32 chief and the clerk of the unit, open the envelopes, examine the
 33 certificates, and determine the total number of votes cast for each of the
 34 candidates. The executive shall then issue a certificate of election to the
 35 candidate having received the highest number of votes. If two (2) or
 36 more candidates have received the same number of votes, the executive
 37 and the chief shall immediately determine by lot who will be trustee
 38 from the persons receiving an equal number of votes. An election may
 39 not be set aside for lack of formality in balloting by the members or in
 40 certifying or transmitting the returns of an election by the officers in
 41 charge.

42 (f) This section does not apply to a township if the fire department

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of the township is consolidated under IC 36-3-1-6.1 **or (after December 31, 2010) IC 36-3-1-6.4.**

SECTION 114. IC 36-8-7-6, AS AMENDED BY P.L.227-2005, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) An election shall be held under this section every two (2) years to elect one (1) trustee from the retired members of the fire department for a term of two (2) years, commencing on the day of the trustee's election, if the retired list contains at least three (3) retired members at the time of election. The fire chief shall fix a time for holding a convention to nominate candidates for trustee to be elected at each election. Each convention must be held at least fifteen (15) days before the day on which the biennial election is held. All retired members of the fire department may participate in the convention. The convention, when assembled, shall nominate not more than four (4) members of the retired list to be voted upon as trustee. The secretary of the board shall mail the names of the persons nominated along with an official ballot to the retired members within forty-eight (48) hours of the end of the convention.

(b) The election shall be conducted by mail. Each retired member is entitled to cast one (1) ballot by mail, and the ballot may not contain more than one (1) name, chosen from the list of retired persons nominated by the convention. The candidate receiving the highest number of votes by 6 p.m. on the second Monday in February or an alternative date in February specified in the bylaws of the fund is elected.

(c) The ballots must remain closed and inviolate until the close of the election, at which time, in the presence of the executive of the unit, the fire chief, and the clerk of the unit, the ballots shall be opened and counted. A certificate of election shall be issued to the candidate receiving the highest number of votes. If two (2) or more candidates receive the same number of votes, the executive and the chief shall immediately determine by lot who will be trustee from the persons receiving an equal number of votes.

(d) This section does not apply to a township if the fire department of the township is consolidated under IC 36-3-1-6.1 **or (after December 31, 2010) IC 36-3-1-6.4.**

SECTION 115. IC 36-8-7-6.5, AS AMENDED BY P.L.227-2005, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6.5. (a) All ballots voted under this chapter shall be secured until the balloting is closed.

(b) Tampering with a ballot for an election under this chapter is a Class A infraction.

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(c) This section does not apply to a township if the fire department of the township is consolidated under IC 36-3-1-6.1 **or (after December 31, 2010) IC 36-3-1-6.4.**

SECTION 116. IC 36-8-7-7, AS AMENDED BY P.L.227-2005, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) The fire chief is the president of the local board.

(b) At the first meeting after each election, the local board shall elect a secretary, who may be chosen from among the trustees. However, the local board may consider it proper to have a secretary who is a member of the fire department, to be elected by the companies for a term of four (4) years in the same manner as the election for trustees. The secretary shall keep a full record of all the proceedings of the local board in a book provided for that purpose.

(c) The local board shall make all rules necessary for the discharge of its duties and shall hear and determine all applications for relief or pensions under this chapter.

(d) This section does not apply to a township if the fire department of the township is consolidated under IC 36-3-1-6.1 **or (after December 31, 2010) IC 36-3-1-6.4.**

SECTION 117. IC 36-8-8-1, AS AMENDED BY P.L.227-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies to:

(1) full-time police officers hired or rehired after April 30, 1977, in all municipalities, or who converted their benefits under IC 19-1-17.8-7 (repealed September 1, 1981);

(2) full-time fully paid firefighters hired or rehired after April 30, 1977, or who converted their benefits under IC 19-1-36.5-7 (repealed September 1, 1981);

(3) a police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996;

(4) a park ranger who:

(A) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(B) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(C) is employed by the parks department of a city having a population of more than one hundred twenty thousand

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(120,000) but less than one hundred fifty thousand (150,000);
 (5) a full-time fully paid firefighter who is covered by this chapter before the effective date of consolidation and becomes a member of the fire department of a consolidated city under IC 36-3-1-6.1 **or (after December 31, 2010) IC 36-3-1-6.4**, provided that the firefighter's service as a member of the fire department of a consolidated city is considered active service under this chapter;
 (6) except as otherwise provided, a full-time fully paid firefighter who is hired or rehired after the effective date of the consolidation by a consolidated fire department established under IC 36-3-1-6.1;

(7) a full-time police officer who is covered by this chapter before the effective date of consolidation and becomes a member of the consolidated law enforcement department as part of the consolidation under IC 36-3-1-5.1, provided that the officer's service as a member of the consolidated law enforcement department is considered active service under this chapter; and
 (8) except as otherwise provided, a full-time police officer who is hired or rehired after the effective date of the consolidation by a consolidated law enforcement department established under IC 36-3-1-5.1;

except as provided by section 7 of this chapter.

SECTION 118. IC 36-8-8-2, AS AMENDED BY P.L.227-2005, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. As used in this chapter, "employer" means:

- (1) a municipality that established a 1925 or 1953 fund or that participates in the 1977 fund under section 3 or 18 of this chapter;
- (2) a unit that established a 1937 fund or that participates in the 1977 fund under section 3 or 18 of this chapter;
- (3) a consolidated city that consolidated the fire departments of units that:

- (A) established a 1937 fund; or

- (B) participated in the 1977 fund;

before the units' consolidation into the fire department of a consolidated city ~~established by~~ **under** IC 36-3-1-6.1 **or (after December 31, 2010) IC 36-3-1-6.4**; or

- (4) a consolidated city that establishes a consolidated law enforcement department under IC 36-3-1-5.1.

SECTION 119. IC 36-8-8-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.1. (a) As used in this chapter, "local board" means the following:

- (1) For a unit that established a 1925 fund for its police officers,

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the local board described in IC 36-8-6-2.

(2) **Except as provided in subdivision (3)**, for a unit that established a 1937 fund for its firefighters, the local board described in IC 36-8-7-3.

(3) **For a unit that established a 1937 fund for its firefighters and consolidates its fire department into the fire department of a consolidated city under IC 36-3-1-6.1 or (after December 31, 2010) IC 36-3-1-6.4:**

(A) **before the effective date of the consolidation, the local board described in IC 36-8-7-3; and**

(B) **on and after the effective date of the consolidation, the local board of the consolidated city established under IC 36-8-7-3.**

~~(3)~~ (4) For a consolidated city that established a 1953 fund for its police officers, the local board described in IC 36-8-7.5-2.

~~(4)~~ (5) For a unit, other than a consolidated city, that did not establish a 1925 fund for its police officers or a 1937 fund for its firefighters, the local board described in subsection (b) or (c).

(b) If a unit did not establish a 1925 fund for its police officers, a local board shall be composed in the same manner described in IC 36-8-6-2(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(c) **Except as provided in subsection (d)**, if a unit did not establish a 1937 fund for its firefighters, a local board shall be composed in the same manner described in IC 36-8-7-3(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(d) **If a unit located in a county containing a consolidated city did not establish a 1937 fund for its firefighters and consolidates its fire department into the fire department of the consolidated city under IC 36-3-1-6.1 or (after December 31, 2010) IC 36-3-1-6.4, the local board is:**

(1) **before the effective date of the consolidation, the local board described in IC 36-8-7-3; and**

(2) **on and after the effective date of the consolidation, the local board of the consolidated city established under IC 36-8-7-3.**

SECTION 120. IC 36-8-8-7, AS AMENDED BY P.L.1-2006, SECTION 575, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), (h), (k), (l), and (m):

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(1) a police officer; or

(2) a firefighter;

who is less than thirty-six (36) years of age and who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability over a period of not more than forty (40) years, the amount and the period to be determined by the PERF board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for the police officer's or firefighter's prior years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of service if the police officer or firefighter is receiving a benefit or is entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

(c) Except as provided in section 18 of this chapter, a police officer or firefighter is entitled to credit for all years of service after April 30, 1977, with the police or fire department of an employer covered by this chapter.

(d) A police officer or firefighter with twenty (20) years of service does not become a member of the 1977 fund and is not covered by this chapter, if the police officer or firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981); and

(3) is rehired after April 30, 1977, by the same employer.

(e) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) was rehired after April 30, 1977, but before February 1, 1979; and

(4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

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(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

(1) was hired by the police or fire department of a unit before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) is rehired by the police or fire department of another unit after December 31, 1981; and

(4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, the police officer or firefighter is entitled to receive credit for all the police officer's or firefighter's years of service, including years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

(1) is employed by a unit that is participating in the 1977 fund;

(2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;

(3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and

(4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction;

shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

(h) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the individual was appointed as:

(1) a fire chief under a waiver under IC 36-8-4-6(c); or

(2) a police chief under a waiver under IC 36-8-4-6.5(c);

unless the executive of the unit requests that the 1977 fund accept the individual in the 1977 fund and the individual previously was a member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996, is a member of the 1977 fund.

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(j) A park ranger who:

- (1) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;
- (2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and
- (3) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police officer or firefighter:

- (1) who is a member of the 1977 fund before a consolidation under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or (after December 31, 2010) IC 36-3-1-6.4;**
- (2) whose employer is consolidated into the consolidated law enforcement department or the fire department of a consolidated city under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or (after December 31, 2010) IC 36-3-1-6.4;** and
- (3) who, after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or (after December 31, 2010) IC 36-3-1-6.4;**

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(l) Notwithstanding any other provision of this chapter, if:

- (1) before a consolidation under IC 8-22-3-11.6, a police officer or firefighter provides law enforcement services or fire protection services for an entity in a consolidated city;
- (2) the provision of those services is consolidated into the **consolidated** law enforcement department or fire department of a consolidated city **under IC 36-3-1-5.1 or IC 36-3-1-6.1;** and
- (3) after the consolidation, the police officer or firefighter becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 8-22-3-11.6;

the police officer or firefighter is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) A police officer or firefighter who is a member of the 1977 fund under subsection (k) or (l):

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(1) may not be:

(1) (A) retired for purposes of section 10 of this chapter; or

(2) (B) disabled for purposes of section 12 of this chapter;
solely because of a change in employer under the consolidation;
and

(2) shall receive credit for all years of service as a member of
the 1977 fund before the consolidation described in subsection
(k) or (l).

SECTION 121. IC 36-8-13-1, AS AMENDED BY P.L.227-2005,
SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2009]: Sec. 1. This chapter applies to all townships. However,
this chapter does not apply to a township in which the fire department
of the township has been consolidated under IC 36-3-1-6.1 **or (after
December 31, 2010) IC 36-3-1-6.4.**

SECTION 122. IC 36-8-13.5-1, AS ADDED BY P.L.65-2008,
SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2009]: Sec. 1. This chapter applies to all townships except a
township in which the fire department of the township has been
consolidated under IC 36-3-1-6.1 **or (after December 31, 2010)
IC 36-3-1-6.4.**

SECTION 123. IC 36-8-14-1 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. **(a) Subject to
subsection (b),** this chapter applies to all units except counties.

**(b) After December 31, 2010, this chapter also applies to a
county containing a consolidated city. A county containing a
consolidated city may:**

**(1) establish a cumulative building and equipment fund under
this chapter; and**

**(2) impose a property tax levy under this chapter beginning
with property taxes first due and payable after December 31,
2010.**

SECTION 124. IC 36-8-19-1.5, AS AMENDED BY P.L.1-2006,
SECTION 583, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2009]: Sec. 1.5. (a) If the fire department of a
township is consolidated under IC 36-3-1-6.1, after the effective date
of the consolidation the township may not establish a fire protection
territory under this chapter.

(b) A fire protection territory that is established before the effective
date of the consolidation in a township in which the township's fire
department is consolidated under IC 36-3-1-6.1 **or (after December
31, 2010) IC 36-3-1-6.4** becomes part of the geographic area in which
the fire department of a consolidated city provides fire protection

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services.

SECTION 125. IC 36-10-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. **(a) Subject to subsection (b),** this chapter applies to the townships indicated in each section.

(b) After December 31, 2010, powers and duties related to parks and recreation that are imposed by this chapter on a township in a county having a consolidated city are transferred to the county.

SECTION 126. IC 36-10-7.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. **(a) Before January 1, 2011,** this chapter applies to all townships.

(b) After December 31, 2010, in a county having a consolidated city, powers and duties related to parks and recreation that are imposed by this chapter on a township in a county having a consolidated city are transferred to the county.

SECTION 127. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2009]: IC 3-8-1-30; IC 3-8-1-31.

SECTION 128. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2011]: IC 3-13-10-5; IC 33-34-1-6; IC 33-34-1-7; IC 33-34-1-8; IC 33-34-1-9; IC 33-34-6-4.

SECTION 129. [EFFECTIVE JULY 1, 2009] **The general assembly finds the following:**

(1) A consolidated city faces unique budget challenges due to a high demand for services combined with the large number of tax exempt properties located in a consolidated city as the seat of state government, home to several institutions of higher education, and home to numerous national, state, and regional nonprofit corporations.

(2) By virtue of its size and population density, a consolidated city has unique overlapping territories of county, city, and township government and an absence of unincorporated areas within its county.

(3) By virtue of its size, population, and absence of unincorporated areas, development extends to and across the boundaries of the contiguous governmental territories located within a county having a consolidated city, thus giving less meaning to boundaries of the governmental territories located within the county.

(4) By virtue of its size, population, absence of unincorporated areas, overlapping territories, and development to and across the boundaries of contiguous governmental territories, there is less need for differentiation of local governmental services

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within the separate governmental territories located within a county having a consolidated city, but rather, the local governmental service needs are similar and more uniform within and across a county having a consolidated city.

(5) The provision of local governmental services by multiple governmental entities with overlapping territories, and by governmental entities with contiguous territories with less meaningful boundaries, results in disparate levels of local governmental services within a county having a consolidated city and results in the inefficient and poor use of taxpayer dollars.

(6) As the state capital and a center for professional sporting events, tourism, and culture in central Indiana, the consolidated city faces unique demands for protecting governmental property and securing the safety of large numbers of residents and visitors, which require innovative approaches to public safety resources.

(7) If public safety resources are consolidated, residual services provided by townships are limited and can more effectively and uniformly be performed through consolidation at the city or county level.

(8) Substantial operational efficiencies, reduction of administrative costs, and economies of scale may be obtained in a consolidated city through consolidation of certain county, city, and township services and operations.

(9) Consolidation of certain county, city, and township services and operations in the consolidated city will serve the public purpose by allowing the consolidated city to:

(A) eliminate duplicative services;

(B) provide better coordinated and more uniform delivery of local governmental services;

(C) provide more unified tax rates; and

(D) allow local governmental services to be provided more efficiently and at a lower cost than without consolidation.

(10) Efficient and fiscally responsible operation of local government benefits the health and welfare of the citizens of a consolidated city and is of public utility and benefit.

(11) The public purpose of this act is to provide a consolidated city with the means to perform essential governmental services for its citizens in an effective, efficient, and fiscally responsible manner.

SECTION 130. [EFFECTIVE JULY 1, 2009] (a) Notwithstanding

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IC 33-34-2-1, before its amendment by this act, and IC 33-34-6-4, before its repeal by this act, an election for a Marion County township small claims court:

(1) judge; or

(2) constable;

shall not occur under IC 33-34 during 2010.

(b) Notwithstanding the amendment and repeal of provisions of IC 33-34 by this act, the term of a Marion County township small claims court:

(1) judge; or

(2) constable;

serving under IC 33-34 on June 30, 2009, does not terminate until the date the term would have terminated under the law in effect on June 30, 2009. A vacancy that occurs in the office of judge or constable of a Marion County township small claims court before January 1, 2011, shall be filled under the applicable laws in effect on June 30, 2009.

(c) Any case pending in one (1) of the nine (9) Marion County township small claims courts after the close of business on December 31, 2010, shall be transferred by the Marion circuit judge on January 1, 2011, to one (1) of the five (5) Marion County small claims courts established by IC 33-34-1-2, as amended by this act.

(d) Notwithstanding IC 33-34-2-3, as amended by this act, before November 1, 2010, the mayor of Indianapolis shall appoint the initial five (5) judges of the Marion County small claims courts established by IC 33-34-1-2, as amended by this act, as follows:

(1) Two (2) judges shall be appointed for terms beginning January 1, 2011, and ending December 31, 2012.

(2) Two (2) judges shall be appointed for terms beginning January 1, 2011, and ending December 31, 2014.

(3) One (1) judge shall be appointed for a term beginning January 1, 2011, and ending December 31, 2016.

Not more than three (3) of the judges appointed under this subsection may be members of the same political party.

(e) This SECTION expires January 2, 2011.

SECTION 131. [EFFECTIVE JULY 1, 2009] (a) The legislative services agency shall, as directed by the legislative council, prepare legislation for introduction in the 2010 regular session of the general assembly to organize and correct statutes affected by this act, if necessary.

(b) This SECTION expires July 1, 2010.

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